

Fifth Series Vol. LVI - No. 2

**Tuesday, February 3, 1976
Magha 14, 1897 (Saka)**

LOK SABHA DEBATES

(Fifteenth Session)



(Vol. LVI contains Nos. 11-20)

**LOK SABHA SECRETARIAT
NEW DELHI**

Price : Rs. 2.00

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LOK SABHA DEBATES

LOK SABHA

Tuesday, February 3, 1976/Magha 14,
1897 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

AMENDMENT TO NOTIFICATION NO. S.O. 1928, DATED 19-5-70 UNDER THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ACT, AND CORRIGENDUM TO NOTIFICATION NO. G.S.R. 1883, DATED 13-12-71 UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT.

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI H. K. L. BHAGAT) I beg to lay on the Table—

- (1) A copy of Notification No. S.O. 2685 (Hindi version) published in Gazette of India dated the 16th August, 1975 making certain amendment to Notification No. S.O. 1928 dated the 19th May, 1970 together with corrigendum thereto published in Notification No. S.O. 471 in Gazette of India dated the 24th January, 1976, under sub-section (2) of section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952. [Placed in Library. See No. LT—10305/76].

- (2) (i) A copy of Notification No. G.S.R. 20(B) published in Gazette of India dated the 12th January, 1976 containing corrigendum to Notification

No. G.S.R. 1883 published in Gazette of India dated the 13th December, 1971, under sub-section (3) of section 18 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

(ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Notification. [Placed in Library. See No. LT—10306/76].

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT *re*. DISTRIBUTION AND SALE, ETC. OF TRACTORS.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI A. C. GEORGE): I beg to lay on the Table—

- (1) A copy each of the following Notification (Hindi and English versions) under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—
 - (i) The Tractors (Distribution and Sale) Control (Amendment) Order, 1971, published in Notification No. S.O. 5091 in Gazette of India dated the 6th November, 1971.
 - (ii) The Tractors (Distribution and Sale) Control (Second Amendment) Order, 1971, published in Notification No. S.O. 5184 in Gazette of India dated the 19th November, 1971.
 - (iii) The Tractors (Distribution and Sale) Control (Third Amendment) Order, 1971, published in

[Shri A. C. George]

Notification No. S.O. 5508 in Gazette of India dated the 18th December, 1971.

(iv) The Tractors (Distribution and Sale) Control (Amendment) Order, 1972, published in Notification No. S.O. 132(E) in Gazette of India dated the 10th February, 1972.

(v) The Tractors (Distribution and Sale) Control (Amendment) Order, 1974, published in Notification No. S.O. 511(E) in Gazette of India dated the 29th August, 1974.

(vi) S.O. 624(E) published in Gazette of India dated the 29th October, 1974 rescinding the Tractors (Price Control) Order, 1967.

(vii) The Tractors (Distribution and Sale) Control (Amendment) Order, 1975, published in Notification No. S.O. 154(E) in Gazette of India dated the 26th March, 1975.

(viii) The Tractors (Distribution and Sale) Control (Amendment) Order, 1976, published in Notification No. S.O. 65(E) in Gazette of India dated the 27th January, 1976.

(2) Statement (Hindi and English versions) showing reasons for delay in laying the notifications mentioned at (i) to (vii) above.

[Placed in Library. See No. LT—10307/76].

REPORT OF TOBACCO EXCISE TARIFF COMMITTEE VOLS. I & II.

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF

REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to lay on the Table a copy of the Report (Hindi and English versions) of the Tobacco Excise Tariff Committee—Volumes I and II. [Placed in Library. See No. LT—10308/76].

REVIEW AND ANNUAL REPORT OF ORISSA ROAD TRANSPORT CO., LTD., BIRHAMPUR FOR 1972-73 WITH STATEMENT OF ACCOUNTS AND AUDIT REPORT THEREON.

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Orissa Road Transport Company Limited, Birhampur (Ganjam) for the year 1972-73.

(ii) Annual Report of the Orissa Road Transport Company Limited, Birhampur (Ganjam), for the year 1972-73.

(iii) Directors' Report and statement of accounts for the year 1972-73 of the Orissa Road Transport Company Limited, Birhampur (Ganjam) and the comments of the Comptroller and Auditor General thereon.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above papers.

[Placed in Library. See No. LT—10309/76].

REVIEW AND ANNUAL REPORT OF MODERN BAKERIES LTD., NEW DELHI FOR 1974-75 WITH AUDIT REPORT, AND DELHI LAND HOLDINGS (CEILING) AMENDMENT RULES, 1976.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASHEB P. SHINDE): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Modern Bakeries (India) Limited, New Delhi, for the year 1974-75.

(ii) Annual Report of the Modern Bakeries (India) Limited, New Delhi for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—10310/76].

(2) A copy of the Delhi Land Holdings (Ceiling) (Amendment) Rules, 1976, published in Notification No. F. 11(12)/S.K./C/76 in Delhi Gazette dated the 14th January, 1976 under sub-section (3) of section 27 of the Delhi Land Holdings (Ceiling) Act 1960. [Placed in Library. See No. LT—10311/76].

DRAFT ORDERS TO BE ISSUED UNDER SECTION 81 OF THE COMPANIES ACT.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA):

I beg to lay on the Table a copy each of the following Draft Orders (Hindi and English versions) to be issued under sub-section (4) of section 81 of the Companies

Act, 1956, under sub-section (6) of section 81 of the said Act —

(i) Order No. 33/61/75—CL.III direct: M/s. Hindustan Photo Films Manufacturing Company Limited, Indu Nagar, Ootacamund to convert a part of its loan into equity share capital.

(ii) Order No. 33/7/76-CL.III directing M/s. Jessop and Company Limited, Calcutta to convert a part of his Loan into equity share capital.

[Placed in Library. See No. LT—10312/76].

ANNUAL REPORTS OF GOA SHIPYARD LTD. GOA & MAZAGAON DOCK LTD., BOMBAY FOR 1974-75.

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Annual Report of the Goa Shipyard Limited Vasco-da-Gama, Goa, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) Annual Report of the Mazagaon Dock Limited, Bombay, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—10313/76].

NOTIFICATION UNDER MOTOR VEHICLES ACT, ANNUAL REPORT FOR 1972-73 AND CERTIFIED ACCOUNTS FOR 1971-72 OF D.T.C., NEW DELHI WITH STATEMENTS FOR DELAY.

THE DEPUTY MINISTER IN THE MINISTRY OF SHIPPING AND TRAN-

SPORT (SHRI DALBIR SINGH): I beg to lay on the Table—

(1) (i) A copy of Notification No. SEC. E. 3(44)/73-Tpt (Hindi and English versions published in Delhi Gazette, dated the 2nd January, 1975, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Notification.

[Placed in Library. See No. LT—10314/76].

(2) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Delhi Transport Corporation, New Delhi, for the year 1972-73, under sub-section (3) of section 35 of the Road Transport Corporations Act, 1950.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

(iii) A copy of the Certified Accounts (Hindi and English versions) of the Delhi Transport Corporation for the period from 3rd November, 1971 to 31st March, 1972 together with the Audit Report thereon, under sub-section (4) of section 33 of the Road Transport Corporations Act, 1950.

(vi) A statement (Hindi and English versions) showing reasons for delay in laying the above document.

[Placed in Library. See No. LT—10315/76].

NOTIFICATIONS UNDER EXPORT (QUALITY CONTROL AND INSPECTION) ACT re. RULES FOR EXPORT OF CASHEW KERNELS, FISH AND FISH PRODUCTS AND FROG LEGS AND COFFEE (AMNDT.) RULES, 1975 WITH STATEMENT FOR DELAY.

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI

VISHWANATH PRATAP SINGH): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963:—

(i) The Export of Cashew Kernels (Quality Control and Inspection) Amendment Rules, 1976, published in Notification No. S.O. 329 in Gazette of India, dated the 17th January, 1976.

(ii) The Export of Fish and Fish Products (Inspection) Amendment Rules, 1976, published in Notification No. S.O. 330 in Gazette of India dated the 17th January, 1976.

(iii) The Export of Frog Legs (Inspection) Amendment Rules, 1976, published in Notification No. S.O. 331 in Gazette of India, dated the 17th January, 1976.

[Placed in Library. See No. LT—10316/76].

(2) (i) A copy of the Coffee (Amendment) Rules, 1975 (Hindi and English versions) published in Notification No. G.S.R. 456 in Gazette of India, dated the 12th April, 1975, under sub-section (3) of section 48 of the Coffee Act, 1942.

(i) A statement (Hindi and English versions) showing reasons for delay in laying the Notification mentioned at (2) above.

[Placed in Library. See No. LT—10317/76].

ANNUAL REPORT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE FOR 1974-75 WITH STATEMENT FOR DELAY

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE

Message from E.S. MACHIA, 14.1.1977 (S.A.) Accident in Bellampali Coal Mine (S.A.)

DEPARTMENT OF CULTURE (SHRI ARVIND NETAM): On behalf of Shri D. F. Yadav, I beg to lay on the Table—

- (1) A copy of the Annual Report of the Indian Institute of Science, Bangalore for the year 1974-75. [Placed in Library. See No. LT—10318/76].
- (2) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the above Report. [Placed in Library. See No. LT—10319/76].

11.04 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Prevention of Food Adulteration (Amendment) Bill, 1976, which has been passed by the Rajya Sabha at its sitting held on the 27th January, 1976."
- (ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Pondicherry Appropriation Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 27th January, 1976, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

- (iii) "In accordance with the provisions of rule 127 of the Rules of Procedure

and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 2nd February, 1976, agreed without any amendment to the Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 27th January, 1976."

PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL AS PASSED BY RAJYA SABHA

SECRETARY-GENERAL: Sir, I lay on the Table of the House the Prevention of Food Adulteration (Amendment) Bill, 1976, as passed by Rajya Sabha.

11.05 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ACCIDENT IN BELLAMPALI COAL MINE RESULTING IN DEATH OF SOME MINERS.

SARDAR SWARAN SINGH SOKHI (Jamshedpur): I call the attention of the Minister of Energy to the following matter of urgent public importance and I request that he may make a statement thereon:

"The reported accident on the 28th January, 1976 in Bellampali mine of the Singareni collieries, resulting in the death of 5 miners and injury to several others."

THE MINISTER OF ENERGY (SHRI K. C. PANT): I regret to inform the House that according to the information received from the Singareni Collieries Co. Ltd. (a public sector undertaking under the Government of Andhra Pradesh), on the 28th January, 1976 at about 10.30 P.M. in the 2nd incline of Bellampali Colliery there was an accident due to a massive roof fall, measuring, 13 metres/4.5 metres

[Shri K. C. Pant]

average 2.5 metres thick, killing three workers on the spot. Two others who were trapped, were rescued and removed to the hospital but succumbed to the injuries on 29-1-1976. Senior officers of the Company, including the Chairman-cum-Managing Director visited the Colliery immediately. An ex-gratia payment of Rs. 500/- each was given to the families of the deceased workers. The compensation amount, according to the Workmen's Compensation Act, would be paid shortly to the deceased families. The Directorate General of Mines Safety has enquired into the accident and their final report is awaited. I am sure the House will join me in conveying our deep sympathies to the bereaved families.

सरदार स्वर्ण सिंह (सोनी) यह बड़े आफ़ोस की बात है कि चमनाला की दुर्घटना के फ़ौरन बाद सिधेनी कोलियरीज में यह एक्सिडेंट हुआ है। इस की जिम्मेदारी लेबर मिनिस्टर और एनर्जी मिनिस्टर दोनों पर है। मुझे खुशी है कि लेबर मिनिस्टर साहब भी हाउस में मौजूद हैं। मैं यह जानना चाहता हूँ कि इनक्लाइन में यह जो एक्सिडेंट हुआ है, क्या उससे पहले डायरेक्ट्रेट-जेनरल आफ़ माइन्ज सेफ्टी द्वारा इस माइन का पीरियाडिकल चैक होता था। क्या मैनेजमेंट के सेफ्टी डिपार्टमेंट ने भी कभी इस को चैक किया था? क्या कम्प्लेक्सन पुराने रेट पर दिया जायेगा? मैं यह भी जानना चाहता हूँ कि क्या 500 रुपये का एक्सप्रेमिया पेमेंट काफी है और क्या इस से वर्कर्स की फैमिलीज की देख-भाल हो सकती है। मेरे पास यह बी० सी० सी० एन० की 1973-74 की एनुअल रिपोर्ट है। इस के पेज 25 पर मैनेजमेंट और डेबिलपेमेंट वर्गरेट के बारे में सभी बातें कही गई हैं, लेकिन उस से सेफ्टी का नाम तक भी नहीं है।

माइन्ज की सेफ्टी की जिम्मेदारी सिर्फ़ डायरेक्ट्रेट जेनरल आफ़ माइन्ज सेफ्टी के

ऊपर छोड़ देना उचित नहीं है। क्या मैनेजमेंट की भी बड़ी जिम्मेदारी नहीं है कि वह अपनी माइन्स की सेफ्टी का ध्यान रखे? मिनिस्टर साहब ने कहा है कि डायरेक्ट्रेट-जेनरल आफ़ माइन्स सेफ्टी ने इस दुर्घटना के बारे में एनक्वायरी की है। उस एनक्वायरी से क्या होगा? क्या सरकार ने कोई एनक्वायरी कराई है या नहीं और क्या वह कोई एनक्वायरी करने जा रही है। डायरेक्ट्रेट-जेनरल आफ़ माइन्ज सेफ्टी का तो पता चल गया है कि वे लोग कितना अच्छा काम करते हैं। असमाला में अभी तक मिर्फ़ पचास लाशें निकल सकी हैं।

अध्यक्ष महोदय: माननीय सदस्य सवाल पूछें।

सरदार स्वर्ण सिंह सोनी मैं यह जानना चाहता हूँ कि माइन्स माइन्स की सेफ्टी के लिए सरकार क्या प्राविजन कर रही है। बिहार में रानीगंज में जो माइन्ज बन्द हुई है क्या वे बन्द रहेंगे? इस तरह के एक्सिडेंट्स को रोकने के लिए सरकार क्या इन्तजाम कर रही है?

श्री कृष्ण चन्द्र पन्त: जैसा कि मैं ने कहा है, सिधेनी कोलमाइन्ज प्रांथ प्रदेश सरकार के नीचे है। हम ने वहाँ से पूरी सूचना मंगाई है। इस एक्सिडेंट के बारे में हम को सूचना देने के लिए आज उस के चैयरमैन खुद आये हैं। उनसे आफ़िसर्स ने जो एनक्वायरी की थी, उस से यह मालूम पड़ा कि एक्सिडेंट के दस दिन पहले जेनरल-मैनेजर ने कोलियरी का इन्स्पेक्शन किया, जो ग्राम तौर किया जाता है। कोलियरी मैनेजर रोज़ इन्स्पेक्शन करता था। उन्होंने उस रोज़ भी इन्स्पेक्शन किया था। साधारणतया जो इन्स्पेक्शन हुआ करते हैं, वे इस कोलियरी में हुए थे। उस के बावजूद यह एक्सिडेंट हो गया। उस में एक फ़ाल्ट था। जहाँ पर कोयला निकाला जा रहा था, वह जगह नहीं थी।

बल्कि वही जाने के लिए ओ गैलरी भी उस में बहु कपूर से रूफ गिरी। उस में जी डी जी एम एस की एनक्वैरी हुई है उस की अभी जो प्रेलिमिनरी रिपोर्ट आई है उस में भी किसी की जिम्मेदारी नहीं रखी गई है। उस में उन्होंने कहा है कि --

"The accident appears to be a misadventure; the accident is due to the factors beyond human control."

यह अभी प्रेलिमिनरी रिपोर्ट है डी जी एम एस की, फाइनल नहीं है। फाइनल रिपोर्ट जब तक न आ जाये तब तक मैं और कुछ कहना नहीं चाहता। लेकिन आज जो एक रिपोर्ट आई है मबरे उस में यह बात कही गई है। तो अभी तक तो इस में किसी की जिम्मेदारी की बात नहीं आती है।

जहां तक कम्पेंसेशन का प्रश्न है यह 500 रुपया तो ऐडवाक अभी दिया गया है एक्स-ग्रेजिया पेमेंट और 7 हजार रुपया हर परिवार को दिया जायेगा। जो वर्कमें कम्पेंसेशन एक्ट है उस से ज्यादा यह रकम है। उसी के हिसाब से कोई लकीर के फकीर बनने की बात नहीं है, उस से ज्यादा वेगे इसके अलावा वर्कमें भी कुछ कांट्रीब्यूट कर रहे हैं कोलियरी माइन के वर्कमें भी 5 रुपया फो वर्क कर कांट्रीब्यूट कर के दे रहे हैं जो उन को दिया जायेगा। मैनेजमेंट की तरफ से 7 हजार रुपया हर परिवार को दिया जायेगा।

आप ने पूछा कि डी जी एम एस के अलावा हम लोग क्या कर रहे हैं तो हमने भी एक इंटर्नल सेफ्टी आर्गेनाइजेशन पब्लिक सेक्टर कोल माइन में बनाया है और वह टर्नल सेफ्टी आर्गेनाइजेशन काम करने लगा है। उस में बाड़े वह कम्पनी के स्तर पर हो या एरिया के स्तर पर या कोलियरी के स्तर

पर हो, प्रोडक्शन स जिस का कोई सम्बन्ध नहीं हो ऐसे सेफ्टी इन्फिक्टर नियुक्त किये गये हैं जिन को बीजे आ कर माइन्स को इन्स्पेक्ट करना होता है और जिन को बताया गया है कि क्या-क्या चीजों की देखरेख करे जिस से ऐक्सीडेंट्स न हों।

SOME HON. MEMBERS rose—

MR. SPEAKER: No more questions.

11.12 hrs.

ESTIMATES COMMITTEE

REPORT EIGHTY-EIGHTH AND MINUTES

SHRI TULSIDAS DASAPPA (Mysore) : I beg to present the following Report and Minutes of the Estimates Committee:—

(i) Eighty-eighth Report on the Cabinet Secretariat (Department of Personnel and Administrative Reforms)—Deputation of Indian Experts and Officers abroad.

(ii) Minutes of the sittings of the Committee relating to the above Report.

11.12½ hrs.

STATEMENT RE APPOINTMENT OF COMMISSION OF INQUIRY TO ENQUIRE INTO ALLEGATIONS AGAINST THE FORMER CHIEF MINISTER AND SOME MINISTERS OF TAMIL NADU.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : As the House is aware, allegations of corruption, favouritism, administrative and financial improprieties and abuse of official position, were being received against the erstwhile Ministry of Tamil Nadu for some time. In November, 1972, Shri M. G. Ramachandran, M.L.A. of Tamil Nadu

[Shri Om Mehta]

had presented a memorandum of allegations, to the President and later Shri M. Kalyanasundaram, M. P., and some others, presented another memorandum of allegations to the President followed by a further communication from Shri M. Kalyanasundaram. These memoranda contained, in all, 54 allegations (not counting the repetitions as separate allegations). 27 of these were against Shri M. Karunanidhi personally, and 13 against other State Ministers. The remaining 14 allegations were of general nature relating largely to abuse of power by the DMK party in that State.

In accordance with the settled procedure, we had asked for the comments of Shri Karunanidhi on these allegations and later also referred to him, for comments, the rejoinders received from the memorialists. The comments received from him, though copious in volume, were not sufficiently informative on various aspects which necessitated seeking clarification on some points. Even the clarifications which were received later, were not entirely satisfactory.

While the matter relating to these allegations was under examination further reports were received from different reliable sources that acts of administrative and financial impropriety, corruption, misuse of authority etc. by State Ministers, were continuing, citing certain specific instances. One such memorandum of allegations dated the 1st December, 1975 was received from Shri K. Manoharan, M. P., and Shri G. Viswanathan, M.P.

The Governor of Tamil Nadu also, in his report to the President dated the 29th January, 1976, recommended that a High Powered Commission should be appointed to inquire into the several serious allegations against the Ministry and the Ministers involved.

Accordingly, it was decided that all these matters should be inquired into by an independent, impartial body. A notification has been issued today appointing a Commission of Inquiry under section 3 of the Commissions of Inquiry Act, 1952 to inquire into allegations against the former Chief Minister and some Ministers of Tamil Nadu. Shri Justice R. S. Sarkaria, Judge of the Supreme Court of India, has been appointed to head the Commission of Inquiry. With your permission, Sir, I lay a copy of the notification on the Table of the House.

For the present 27 out of the 54 allegations contained in the memorandum of Shri M. G. Ramachandran and the memorandum of Shri M. Kalyanasundaram and some others, which appeared, *prima facie*, to require a probe, have been referred to the Commission for inquiry. Some material and information which have been received from different reliable sources, are being examined. If upon such examination it is found that some other allegations, *prima facie*, warrant a probe, the question of referring them for inquiry to this Commission will be considered.

The Commission has been requested to submit its report by 1st February, 1977. Government hope that the Commission will be able to complete its work within this period.

SHRI DINEN BHATTACHARYA (Serampore) : Sir, I sent a notice yesterday when the proclamation order was placed here yesterday; and now he has made a statement as stated by the Governor. I ask for a full-fledged debate. It is the statutory right of this House. They have to get it sanctioned by this Parliament at the earliest. I have heard they are not going to allow any debate this session. If you bring it in the next session, God knows whether the next session will take place or not. So my request to you is that—you are so upright—you may kindly consider the situation

Just now I got a telegram from Tamil Nadu that an ex-Member of Lok Sabha belonging to our Party, Shri Ramani, who was ailing in the hospital has been arrested. What is this? Hundreds of people have already been arrested. So, we must be given an opportunity for a full discussion here on the promulgation of President rule in Tamil Nadu. Otherwise, injustice will be done.

SHRI ARAVIND BALA PAJANOR (Pondicherry): I don't agree with what the Member has said because from 1970 onwards the matter is pending.

SHRI TRIDIB CHAUDHURI (Berhampur): I can only seek an assurance from you and a clarification. Now, yesterday we heard that President's Rule has been proclaimed under 356 in Tamil Nadu. That is all very well; that is the privilege of the Government. But this House has not been given an opportunity to discuss or debate this. Now comes the announcement of the appointment of a Judicial Commission. Does this mean—and this is the clarification I seek from you—that all these *ex-parte*, allegations that have been made by the Governor cannot be discussed in this House? What is the position? The Government makes an allegation *ex-parte*, dismisses a Government and then appoints a Commission to look into it;

SHRI H. M. PATEL (Dhandhuka): Yes, the enquiry should have been carried out earlier, before taking action and not afterwards.

However, Mr. Speaker, we would like to know whether this matter is going to be discussed in this House or not. Government has to seek the approval of the House to the proclamation, and that approval of the proclamation should be taken at the earliest possible moment—and the earliest possible moment means this week; it cannot be put off. It is true that the Constitution, gives two

month's time, but that two month's time is merely the maximum time.

The other point is that it must be brought before the House when the House is in session at the earliest possible moment. May I ask, through you, what Government's intentions are and when they propose to seek the approval of the House to the proclamation?

SHRI OM MEHTA: The Constitutional position is known to the hon. Members of this House. Within two months, we have to get the approval of the House. Before the two months are completed, we shall certainly come before the House and get its approval.

SHRI ARAVINDA BALA PAJANOR: I want to congratulate the Government for the action they have taken, though belated. *(Interruptions)*

SHRI SOMNATH CHATTERJEE (Burdwan): What is the position in other States? *(Interruptions)*

MR. SPEAKER: Order, please. The House will deal with any matter that comes before it and which forms part of the agenda. I cannot say anything on an item which is not on the agenda or when there is no motion before the House. If there is a proper thing, then I can consider. Discussing the Proclamation in relation to a State just like this is not correct. There are Constitutional provisions. The Minister has said that, within two months, if necessary, they will come before the House for approval. At this stage, nothing can be discussed.

We go to the next item. Mr. Darbara Singh.....

DR. Henry Austin.

11.00 hrs.

CONSTITUTION (THIRTY-SECOND AMENDMENT) BILL

APPOINTMENT OF MEMBERS TO JOINT COMMITTEE

DR. HENRY AUSTIN (Ernakulam)
I beg to move :

"That this House do appoint Shri Shashi Bhushan to the Joint Committee on the Bill further to amend the Constitution of India in the vacancy caused by the resignation of Shri H. K. L. Bhagat."

MR. SPEAKER : The question is :

"That this House do appoint Shri Shashi Bhushan to the Joint Committee on the Bill further to amend the Constitution of India in the vacancy caused by the resignation of Shri H. K. L. Bhagat".

The motion was adopted.

11 23 hrs.

HOUSE OF THE PEOPLE (EXTENSION OF DURATION) BILL.*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS
Shri H. R. Gokhai. Sir, I beg to move for leave to introduce a Bill to 'provide for the extension of the duration of the present House of the People.

MR. SPEAKER : Motion moved.

"That leave be granted to introduce a Bill to provide for the extension of the duration of the present House of the People".

Mr. Sequeira.

SHRI SOMNATH CHATTERJEE (Burdwan) I want to make a submission.....

MR. SPEAKER : Mr. Sequeira. At this stage, only one Member will be allowed. Mr. Sequeira.

(Interruptions)

SHRI ERASMO DE SEQUEIRA Marm. Mr. Speaker, we have before us introduction of a Bill which seeks to extend the elected terms of this House. It is a very short walk from the Hall where freedom was born to this Chamber where, in a few minutes, it may flicker more than ever before. At such a moment, perhaps it is best to dig deep into history for the expression for the words that we need. It appears that our predecessors had far more depth and far more reach into the future than most of us appear to have today. I have searched our history and I think, I have found expression that we need in a letter that was written by the first Indian parliamentarian, a fellow gone by the name of Francisco Luis Gomes to the famous French poet, Lamartine, on the 5th January, 1861. Referring to India, he wrote.

"She lies captive in her own nation. Threshing within the walls of the cage, this bard has lost the wings that before enabled her to soar higher than the Himalayas. Crying for liberty extinguished, in the dimming light, she has forgotten her own hymns which before rent the air"

And he cried in that letter

"I ask for India liberty and light".

Sir, I would like to make in this chamber today the same cry. Through you, Sir, and the hon. Minister, I would commend to the custodian of this nation at this moment, because whether we like it or do not like it, the immediate future is today carried on just one pair of shoulders

*Published in Gazette of India Part II. Section 2, dated 3-2-76.

and I must mention with respect that I do not like it, because I think, it is too much weight for just two shoulders to carry, the weight of 500 million people; I would commend to the Prime Minister the words of Jawaharlal Nehru, who at the moment when freedom was born, had this to say :

"This is no time for petty and destructive criticism. No time for ill will, or blaming others. We have to build the noble mansion of free India, where all her children may dwell."

If I thought only, that I had the words in what I have just quoted, I know that I have them when I quote the Father of this Nation, Gandhiji, who said

"If I could find God in the highest mountain, I would go there. But know I cannot find him apart from mankind."

On the 18th March, 1976, the elected term of this House is over. On that day, we must go our multitudes, to our strength the 500 million people of India and seek from them a fresh lease on parliamentary life, because if we do not do this, from that day this Government will lose its legitimacy. This House will cut itself from its source and as Gandhiji said, even the Ganga will dry when it cuts itself from its source and it is with these words that I would like to oppose the introduction of this Bill.

SHRI H. R. GOKHALE . Sir, the hon. Member has, no doubt done some research, but unfortunately has not made any point. He is talking of the normal duration of the House coming to an end on the 18th March, that all of us know. But he must be aware, and I am sure he is aware, that the Constitution that has provided for this normal five years duration has itself also provided that under certain circumstances, Parliament has the power to increase that normal duration to a period not exceeding one year at

a time. Therefore, where is the question of encroaching on any liberty or doing away with the right to go to the people, etc. ? What is being done is under the very Constitution under which it is permitted to be done. Therefore, I am sorry to repeat that, while he has done some research and quoted some good extracts, unfortunately, he has not made any point.

MR. SPEAKER . Now the question is:

"That leave be granted to introduce a Bill to provide for the extension of the duration of the present House of the People."

Let the Lobby be cleared—

The Lok Sabha divided .

AYES

Division No 20/11 37 hrs.

Achal Singh, Shri
Aga, Shri Syed Ahmed
Ankheedu, Shri Maganti
Anant, Shri Ziaur Rahman
Appalanaidu, Shri
Austin, Dr Henry
Awadesh Chandra Singh, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Balakrishnaiah, Shri T.
Basu, Shri Bedabrata
Basappa, Shri K.
Basumatari, Shri D.
Bhagat, Shri H. K. L.
Bheeshmadev, Shri M.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Chandra Gowda, Shri D. B.
Chaturvedi, Shri Rohan Lal
Chaudhuri, Shri Amarsinh
Chavan, Shri Yeshwantrao
Chhuttan Lal, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Dasappa, Shri Tulcidas

23 Bill Introduced

De chowdhury Shri B. K.
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Dhillon, Dr. G. S.
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Engti, Shri Biren
 Gackwad, Shri Fatesingh
 Gangadeb, Shri P.
 George, Shri A. C.
 Gokhale, Shri H. R.
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 Hanumanthaiya, Shri K.
 Hariasingh, Shri
 Hashim, Shri M. M.
 Jadeja Shri, D. P.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Joshi, Shri Popatlal M.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kauls, Dr.
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshiah, Shri D.
 Kamble, Shri T. D.
 Karan Singh, Dr.
 Kaul, Shrimati Sheila
 Khadilkar, Shri R. K.
 Kotoki, Shri Laladhar
 Lakkappa, Shri K.
 Lambodar Baliyar, Shri
 Mahajan, Shri Vikram
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Maurya, Shri B. P.
 Mirdha, Shri Narhu Ram
 Mishra, Shri Bibhuti
 Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohsin, Shri F. H.
 Naik, Shri B. V.
 Negi, Shri Pratap Singh
 Orson, Shri Tuna

FEBRUARY 3, 1976 Bill Introduced 24

Painuli, Shri Paripornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Panigrahi, Shri Chittamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chard
 Patel, Shri R. R.
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patnaik, Shri J. B.
 Prabodh Chandra, Shri
 Qureshi, Shri Mohd. Shafi
 Raghu Ramaiah, Shri K.
 Rai, Shri S. K.
 Raju, Shri P. V. G.
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Rao, Shrimati B. Radhabai A
 Rao, Shri Jagannath
 Rao, Shri K. Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Pattabhi Rama
 Rathna, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddy, Shri K. Kodanda Rama
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Saini, Shri Mulki Raj
 Sait, Shri Ebrahim Sulajman
 Salve, Shri N. K. P.
 Samanta, Shri S. C.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Savant, Shri Shankarrao
 Shafec, Shri A.
 Shailani, Shri Chandra

25 Bill Introduced & MAGHA 14, 1997 (S.A.K.A) Res. and Payment of 26
Wages (Amend.) Bill

Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Shri R. R.
Sharma, Dr. Shanker Dayal
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shukla, Shri B. R.
Siddaaya, Shri S. M. .
Singh, Shri Vishwanath Pratap
Sinha, Shri Nawal Kithore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Suryanarayana, Shri K.
Uikey, Shri M. G.
Vekaria, Shri
Yadav, Shri Karan Singh

NOES

Bade, Shri R. V.
Bhattacharyya, Shri Dinan
Bhattacharyya, Shri S. P.
Chatterjee, Shri Somnath
*Daga, Shri M. C.
Dutta, Shri Biren
Haldar, Shri Krishna Chandra
Hazra, Shri Manoranjan
Horo, Shri N. E.
Joarder, Shri Dinesh
Lalji Bhai, Shri
Mehra, Shri P. M.
Modak, Shri Bijoy
Mohammad Ismail, Shri
Mukherjee, Shri Saroj
Nair, Shri N. Sreekantan
Parmar, Shri Bhaljibhai
Patel, Shri H. M.
Rama Hedao, Shri
Reddy, Shri B. N.
Roy, Dr. Saradish
Saha, Shri Ajit Kumar
Sequeira, Shri Erasmo de
Singh, Shri D. N.
Solanki, Shri Somchand

MR. SPEAKER: The result** of the
division is : Ayes—144; Noes—254

The motion was adopted.

SHRI H. R. GOKHALE : I introduce
the Bill.

11 39 hrs.

STATUTORY RESOLUTION RE:
DISAPPROVAL OF PAYMENT OF
WAGES (AMENDMENT) ORDINANCE
AND
PAYMENT OF WAGES (AMEND-
MENT) BILL

SHRI DINEN BHATTACHARYYA
(Serampore) : I beg to move :

"This House disapproves of the Pay-
ment of Wages (Amendment) Ordinance,
1975 (Ordinance No. 21 of
1975) promulgated by the President on
the 12th November, 1975".

While moving this Resolution I want to
make it clear that so far as the amendment
to Section 1 of the Payment of Wages Act,
1936 is concerned, I am not opposed to
it.

In place of Rs. 400, now those who are
drawing upto Rs. 1,000 are also proposed
to be covered under the Payment of Wages
Act as workmen. In that regard, I have only
to add that the Government should at the
same time bring forward a Bill under which
an employee drawing upto Rs. 1,000 will
be covered under the Industrial Disputes
Act also as a workman. I think, it was first
in the case of Gratuity Act that it was placed
at Rs. 1,000. In the case of E.S.I., some
notification might be there, but I know that
only in a very few cases the employers are
giving this benefit to those who are drawing
more than Rs. 400 as their monthly salary.
In other respects also this enhanced wage
level must be observed for extending the
benefit to the workmen covered as per the
Industrial Disputes Act. My first point is
that once for all you decide, at the present
moment at least, that in all cases whether :

*Wrongly voted for NOES.

**The following Members also recorded their votes :

AYES : Shri M. C. Daga;

NOES : Sarveshri Tridib Chaudhuri and Ram Kanwar.

[Shri Dinan Bhattacharyya]

he is a white collared employee or an industrial employee or an employee in the Municipality, University or any other Institution, it may or may not be a commercial undertaking, in all matters, an employee who is drawing upto Rs. 1,000 will be treated as a workman.

About the other two points, I have got serious protests. The Bill has been brought here by the Government on the plea that the payment to workers will be made by cheque so as to prohibit the moneylenders from extracting money from the workers on the day of payment. However, impact of the Bill is very clear that it will cause harassment to the workers and will be a matter of great inconvenience to them if payment is made by cheque.

I understand that the Government recently conducted a study about the money lending system in the Coal Mining Belt in Dhanbad region.

The study clearly proved that the moneylenders had all the gains. There is the report which the Committee has given in respect of the coalminers and the hon. Minister while introducing the Bill should have given a report to the House saying what steps have been taken by Government against these unscrupulous moneylenders? How that report has been implemented? How the recommendations have been given effect to? Uptill now we have got no idea as to what is the reaction of the Government to the enquiry which was conducted to go into the matter of indebtedness of the coalmine workers in Dhanbad. Has any one of these moneylenders been arrested and the debt of workers have been liquidated? Nothing of the sort. Moneylenders continue their depredations without any hindrance from the State authorities. That is possible because of their close links with the authorities. The Minister would have also done well if he had reported to the House what had happened to the officers who had prepared the report that I have already mentioned against the moneylenders. I

know many of these officers, especially the persons who were responsible to submit the report, were transferred from that region. But the moneylenders continued to stay there harassing the workers and continuing their depredations on the workers. It is really a strange thing that the question of moneylending can be stopped by payment of salary by cheque. Moneylenders who were encircling pay offices will now surround the banks from which payment will be made by the cheque on the pay day or any day fixed by the bank. Though the Bill says that before payment of salary by cheque the worker's consent and authorisation from workers in writing will be obtained. But already before that it has been introduced compulsorily in many offices. I may refer here that the Coal India Limited, Calcutta, instead of persuading workers to take salary by cheque has issued instruction to employees to open bank accounts so that their salary can be deposited directly in the banks. Workers are not even asked to give authorisation in writing; but this type of compulsory step is taken and this will only antagonise the workers and further affect industrial relations. If any worker or if any employee desires to receive salary by cheque there is no difficulty, nobody will object to that.

But, when it is being made a compulsory measure applicable to all workers or employees we are against it. And, Government should also give a serious consideration to this aspect.

SHRI C. M. STEPHEN (Muvattupuzha): How is it compulsory?

SHRI DINAN BHATTACHARYYA: You will kindly hear me and then you will understand that. The worker will have to deposit a certain quantum of money in the bank to open a bank account to obtain the cheque facility. This Bill has been brought forward because Government wanted to see that the moneylenders are not allowed to harass the workers on the pay day and thereby snatch away their pay-pocket. That is why this provision has been made in the Bill.

My question is : how will the worker's purpose be served by this Bill. This is one way of compulsion. I have already mentioned one example about the Coal India Limited in Calcutta. There 200 workers are working and they are asked compulsorily to agree for their salary being deposited in the Bank account. Don't you think that there the compulsion question comes in? The workers are already indebted and, they will, naturally, have to borrow money to deposit a certain sum in the Bank account. It will only add to their indebtedness, instead of avoiding indebtedness of the workers, this will only increase their indebtedness. This measure ultimately is meant for the forcible deposits by the workers in the bank. In this process, the banking sector will keep on getting crores of rupees as a compulsory deposit without any additional effort on the part of the bank. The workers and the salaried employees who are already facing a great deterioration in their standards of living will be hit hard by this measure. This is another method of a compulsory deposit scheme as the one which we in this House, rejected when it was before the House. I would remind Mr Stephen to make a note of this that the workers— at least most of them— are illiterate and at least, 50 to 60%, of them find it extremely difficult to operate the bank account, they being illiterates, and they will be cheated in this process and there is no remedy to stop it. Moreover, to withdraw the money from the bank, the workers will have to stand in queue at a time for hours together and if the banks are situated away from their place of work, then it would be an additional burden cast on the workers. In the urban areas in places like Calcutta, the workers have to come from far off places. They have to be at the stations in time to catch the local trains. If they were to go to the bank, it will only mean more than an hour's delay to reach the factory or the place of work. And, if the banking hours are also the same as working hours of the factory, then the workers have to come to the bank

during the working hours which will cause a great deal of inconvenience to them; particularly, in the rural areas it will create a havoc in some places and if there is any mistake in the entry in the account the workers may be put to a great inconvenience. The moneylenders instead of harassing the workers near their offices or the factories, will continue to harass them near their houses and the places where they reside. They may even employ the goondas or gangsters to harass them. The police may get a part of their booty and they will always agree to help the moneylenders to squeeze the money from the workers. So, instead of hitting hard the vested interests the Government will be making a show of helping the workers by pleading with them to open a bank account in the name of a worker. When the workers asked for the need-based minimum wage, you raised the plea of the capacity of the industry to pay it. But when you compel the workers to open bank accounts, you do not think of their capacity to open bank accounts. This clearly shows the purpose behind moving this Bill. It is not to rescue the workers from the moneylenders' clutches but to cause further harassment to the workers and forcibly ask them to deposit in the banks by using emergency powers. I understand that in some places the trade union workers who opposed compulsion opening of the bank accounts have been threatened with a section under MISA. I have got examples. If the Minister wants, I can give them. Similar is the case with the Prime Minister's National Relief Fund for which a provision has been made here. It is well known that the employers do not contribute liberally to the Fund but workers are forced to pay a part of their salary to this Fund. In the Coal India Limited, to which I have already referred, and other institutions, such collections have been made compulsorily by deducting from the wages of the workers which defeats the purpose of voluntary collection.

[Shri Dinen Bhattacharyya]

The Bill also provides that the employers may deduct from the salary of the workers for contributions to other funds as the Central Government may by notification in the Official Gazette specify. This will be another cut from the wages of the workers. You have already reduced the bonus of the workers. Government have prevented a wage rise in many cases to the workers. They have stopped enhancement of dearness allowance in many cases. There is a provision that in the case of such deductions, the consent of the workers will be taken. But in most of the cases it is not done. If the Minister wants to challenge me, I can take him to those places and show him. Very recently even in the Railways, one day's salary was deducted without getting any authorisation from the railway-men.

My grouse is this. You have raised the wage level for coverage so that the person may get the benefit of the Industrial Disputes Act or the Payment of Wages Act. That is all right. But the other two provisions you have included herein will be a harassment. These should be deleted. You simply keep the clause which deals with the raising of the wage level under which a workman is to be covered. I will request the Minister to drop the other two clauses.

I would have welcomed this Bill, as I said at the very outset, if only this provision was there in the Bill. But Government are posing that they are taking measures to free the workers from the clutches of the moneylenders. That will never be effective. Only you will add to the causes of harassment by forcing them to open bank accounts. You know that in many cases even the big industries do not pay the salary on the usual salary day. For example, in the Hindustan Motors, which is a Birla concern, the seventh of every month is their pay day. But they do not pay it on that

day. Sometimes they say, 'We will pay on the 11th'; at other times, they say 'we will pay on the 13th.' As per the Factories Act, they must notify the date on which usually they will pay the salary of the workers as well as the staff. But in this case they do not observe that rule.

In this case also when payment is made through cheque or through bank, the companies will take a lot of time and ultimately nobody knows whether they will at all deposit the money or not. Suppose there are a thousand workers, some 800 will be paid and 200 will be told : your bill has not yet reached the bank and therefore you will not get your salary on a particular day. This is going to take place. So I appeal to him : please do not insist on this clause. The next one is voluntary contributions. It is voluntary in name only; in actual practice it is a forcible contribution. If anybody dares to say: I am not going to contribute, the next day the local police officer will come and catch him and put him under detention under MISA. This is taking place in many cases. So, I request the hon. Minister not to insist on this clause also. If it is there I cannot accept or support the Bill. I support the first part. I think the hon. Minister will understand me and take necessary measures so that the moneylenders do not continue to fleece not only the coal miners but also other workers in the jute mills and other factories. I know thousands of persons are being harassed by moneylenders in other places also. Especially in these days when the workers are not being paid need-based minimum wage and they are unable to make both ends meet you should not insist either on payment by cheque through a bank or for any voluntary contribution, may be even to the Prime Minister's fund, or any other fund. I know that in most cases no account is given of deductions that had been made from the salary or increased DA that the workers were entitled to and which are supposed to be deposited in their favour; they do not know when they are going to

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get it back. In the years 1962, 1963 and 1971 so many funds were opened in the name of voluntary contribution; the workers were fleeced to contribute to them. I appeal to the Hon. Minister: please see that these two clauses are not included in the Bill, keep the provisions which you have made for the amendment of section 1. If you withdraw the other clauses, I shall fully support the Bill.

MR. SPEAKER : Resolution moved :

"This House disapproves of the Payment of Wages (Amendment) Ordinance, 1975 (Ordinance No. 21 of 1975) promulgated by the President on the 12th November, 1975"

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY) : At the very outset, I must say that I oppose the resolution moved by Shri Dinan Bhattacharyya. I beg to move :

"That the Bill further to amend the Payment of Wages Act, 1936, as passed by Rajya Sabha, be taken into consideration."

The Payment of Wages Act was enacted in 1936 to ensure that the employers pay wages to the employed persons in time and that they do not make unauthorised deductions from wages or impose arbitrary fines. In 1958, the wage limit for the purpose of application of the Act was enhanced from Rs. 200 to 400 per month.

The working of the Act was reviewed by the National Commission on Labour and in its report, submitted in 1969, the Commission recommended *inter alia*, that the limit of Rs. 400 per month should be raised as the level of wages improves. There has been a considerable increase in the wage levels since then due to periodical increases in dearness allowance which is part of wages as defined in the Act. As a result a large number of workers either already stand excluded or they are likely to get excluded from the purview of the Act and be deprived of its protection. To remedy this, an Ordinance, namely, the Payment of Wages (Amendment) Ordinance, 1975 was promulgated on the 2334 LS-2

12th November, 1975, whereby sub-section (6) of Section 1 of the Act was amended to substitute the words "four hundred rupees" by the "words one thousand rupees."

12 hrs.

Section 6 of the Act was also amended by the Ordinance. Prior to amendment, this Section required that all wages shall be paid in current coin or currency notes or in both. It was thought that it should also be permissible to pay wages either by cheque or by crediting them in the bank accounts of employed persons, after obtaining their authorisation in writing.

A new clause (p) was inserted in sub-section (2) of Section 7 of the Act, by the Ordinance, authorising deductions from wages, made with the written authorisation of the employed persons, for contribution to the Prime Minister's National Relief Fund or to such other fund as the Central Government may, by Notification in the Official Gazette, specify.

The Bill replacing the Ordinance, which is now before this House has already been passed by the Rajya Sabha. I need not say that its provisions are of a non-controversial nature and these are necessary to protect the interests of the employed persons. With these words, I request that the Bill may kindly be taken into consideration.

I am rather amazed at the resolution moved by Shri Dinan Bhattacharyya. I wonder he has chosen of all subjects this subject to move a resolution.

(Interruptions)

There are three points which Shri Dinan Bhattacharyya has mentioned. Of course, on the first point, that is raising the limit from Rs. 400 to Rs. 1000 he does not have any objection. With regard to other points, Sir, if he reads the bill clearly, he will know that there is no compulsion at all for anybody to receive payment by cheque only. If the employee desires so, then the employer can pay him by cheque. If the employee refuses to

[Shri Raghunatha Reddy]

gave his consent, then he has no obligation to make payment by cheque. Shri Dinen Bhattacharyya has mentioned about the havoc that is being played by the money-lenders. For instance, in Chasnala for the purpose of providing relief for the unfortunate people, money had been paid to them and in fact when we suggested that a part of the money can be deposited in the bank account or in the Post Office accounts, it has been readily accepted by them and a major part of what was given to them had been deposited in the State Bank of India branch and also in the Post Office accounts. About Rs. 4.0 lakhs to Rs. 5.0 lakhs have been deposited in the banks and Post Office accounts by them. If Shri Dinen Bhattacharyya makes proper enquiry, he will be able to find out that most of these people were very happy to deposit the money in the banks and Post Office accounts and they had been saved not only from the money lenders but also from quite a number of so-called well wishers who hover round for the purposes of collecting their share. And they have been saved from this harassment. I have no doubt that this bill provides for saving such people from any kind of harassment. Some of you know about the miners and trade union workers and you should have rightly supported this bill, instead of moving this unfortunate and thoughtless resolution.

With regard to other points which he has mentioned about the Prime Minister's Relief Fund, here also there is absolutely no compulsions and if he wishes to contribute to the P. M.'s Relief Fund, this has been done by providing this facility that it can be deducted from his wages instead of going from place to place. Therefore, nothing is being done without the consent of the employees. In fact, I thought that this Bill would be passed without any discussion at all. On the contrary I am amazed that my good friend Shri Dinen Bhattacharyya has chosen of all subjects this subject for moving the resolution. So, I move the Bill for consideration.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Payment of wages Act, 1936, as passed by Rajya Sabha, be taken into consideration."

Only two hours have been allotted for this and there are a number of hon. Members who want to participate in the discussion. I would request the hon. Members to be brief.

DR. RANEN SEN (Barasat): Sir, I rise to support this Bill. For a long time, the working class were demanding that this particular section which covers the workers only upto the ceiling limit of Rs. 400 should be amended so that the limit could be raised. Last year, in the Labour Consultative Committee we had some discussion to this effect and Mr. Reddy had said that some such step would be taken in the near future. Therefore, I congratulate Mr. Reddy on bringing this Bill which is in the interests of the working class and which supports the issue for which the working class were fighting all along. Just like Mr. Reddy, I am also amazed at Mr. Dinen Bhattacharyya's resolution seeking blanket disapproval of the Bill. When the Bill is being discussed, there is enough scope to make criticism and move amendments. One can understand that. But the resolution seeking blanket disapproval shows that either Mr. Bhattacharyya has not read the Bill or in the spite of other disapproval resolutions against the Payment of Bonus (Amendment) Ordinance etc, this has also come. Therefore, I am also amazed.

About clause 2, there can be no objection. Rather, the Government is to be congratulated. So far as clause 3 is concerned, the principal Act clearly provides that wages should be paid in coins, notes etc. It still stands, it has not been deleted. Clause 3 only seeks to make an additional provision which is absolutely voluntary. Though the real wages have not gone up, today we seldom find a worker getting less than Rs. 200 in organised industries. In some cases, the minimum wages are

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Rs. 300 or 400 or even more. The workers today are not illiterate. Even in the tea gardens and collieries, I know it for a fact that the percentage of literacy has gone up. Therefore, to say that the workers will not be able to go to the banks is not correct because I have seen that in remote areas banks are operating. There are rural banks. If the rural banks are not taken into consideration, in industrial areas and in mining areas, there are banks. I know, many workers today want their wages by cheques. Why? Because that is advantageous to them. Secondly, that is a guarantee against the extortion by the money-lenders. The money-lenders can go and surround his house but he cannot go and surround the bank. So, this is also a good provision. In many areas, workers have persuaded employers to make payments by cheques but the employers were reluctant because there was no provision in the Act to issue cheques. This is also a measure which should not be taken objection to by any Member of this House and particularly by those Members who are connected with the trade union movement.

Mr. Bhattacharayya has said that if the worker refused to accept payment by cheque, he will be arrested under MISA. There is a provision in the Bill that the employer will obtain a written authorisation from the employee and only then the payment will be made in cheque. So, there is no logic in Mr. Bhattacharayya's contention.

I would have been happy if the last two lines on page 1 could have been deleted. But to say that the workers will be forced to pay is not correct. Today, the trade union movement is at a much higher level. Workers know how to fight if there is coercion by the employer. This is the result of the trade union movement. We are proud of the fact that these organisations—INTUC, AITUC, CITU, etc.—have raised the morale and stature of the working class in the country.

I do not agree with this point that if the

workers do not want that there should be deductions from their wages, they will be arrested under MISA. I say, on the whole, this is an advancement according to the desire of the trade union movement. The Minister should be congratulated for bringing forward this Bill. I thank the Minister on behalf of our Group and on behalf of All India Trade Union Congress.

There is only one point on which I agree with Mr. Bhattacharayya and that is, regarding uniformity in labour laws. Somewhere in the Industrial Disputes Act, the level has not been raised. Under the Payment of Bonus Act, there is no uniformity. I request the Minister to think over it because in the Consultative Committee, we have discussed this point several times. I hope, the Minister will consider this point now.

श्री राम सिंह भाई (इंदौर) अध्यक्ष महोदय, मैं मंत्री महोदय को पेमेंट आफ वेजेज एक्ट में संशोधन रखने के लिए मुबारकबाद देता हूँ। ये संशोधन निहायत आवश्यक और तारीफ के काबिल हैं। जैसा कि डा० रानेन सेन ने कहा है, इसके बारे में आलोचना करने की कोई आवश्यकता ही नहीं है, बल्कि इसके लिए तो मंत्री महोदय को मुबारकबाद देना चाहिए। लेकिन देवारे श्री भट्टाचार्य का दोष नहीं है; वे भटक गये हैं। एक तो उन्होंने एक्ट को पढ़ा नहीं है और दूसरे ट्रेड यूनियन के क्षेत्र में उन्होंने अभी ही स्नेट-पेसिल हाथ में ली है, अभी उन्होंने बारह खड़ी लिखना शुरू नहीं किया है। मंत्री महोदय ने ये जो संशोधन रखे हैं, जहाँ ये उनकी सफलता है, वहाँ मैं उसको अपनी सफलता भी मानता हूँ, क्योंकि जैसा कि डाक्टर साहब को मालूम है, मैं १ बरस से इसके लिए बराबर पयन करना रहा हूँ। मिनिस्टर साहब ने इस बारे में जो आश्वासन दिया था उसको उन्होंने आज पूरा किया और उसके लिए बह बधाई के पात्र है।

[श्री राम सिंह भार्द]

इसके साथ-साथ मैं यह भी मिनिमम करना चाहता हूँ कि यह पैमेंट ग्राफ बेजेज एक्ट 1936 का है। यह बहुत पुराना हो गया है। आखिर वह इसमें इस प्रकार के छोटे-मोटे मशोघन कब तक करते रहेंगे। इस कानून में व्यापक मशोघन करने की जरूरत है क्योंकि देड यूनिशन मूवमेंट बहुत आगे बढ़ गया है। यह कानून उस जमाने में बना था जब श्रमिक बोलना भी नहीं जानते थे और दूसरों के भरोसे पर रहते थे। आज मजदूर बहुत आगे बढ़ गये हैं। इसलिए यह आवश्यक है कि मंत्री महोदय इस कानून का फिर से अध्ययन करें और इसमें आवश्यक मशोघन की व्यवस्था करें।

जहाँ-जहाँ सरकार ने मिनिमम बेजेज लागू किये हैं, तो वे पैमेंट ग्राफ बेजेज एक्ट के अन्तर्गत आने ही चाहिये। मजदूरों के मिनिमम बेजेज मिलने चाहिए और ऐसी व्यवस्था इस कानून के द्वारा करनी चाहिये कि एम्प्लायर उसको रख न सके। यह एक बुनियादी बात है, लेकिन यह बात इस बिल में दिखाई नहीं देती है। सरकार ने वृषि मजदूरों के लिए मिनिमम बेजेज कायम किये हैं लेकिन उन पर यह कानून लागू नहीं होता है। उनको पूरा वेतन मिले और समय पर मिले इस बारे में कोई व्यवस्था नहीं की गई है।

जहाँ तक बैंक द्वारा वेतन देने का सम्बन्ध है, मैं समझता हूँ कि हरेक मजदूर का बैंक में खाता होना चाहिए। मेरे यहाँ तो मजदूर अपने बैंक खोलने लग गये हैं। अभी हाल ही में वहाँ पर मजदूरों ने एक बैंक शुरू किया है। जब वेतन के दिन या एडवांस के दिन मजदूर के हाथ में पैसा आता है, तो उसे लूटने वाले लूट लेकर कारखाने के दरवाजे पर खड़े रहते हैं और वे उसको घर तक नहीं पहुँचने देते हैं। मैं समझता हूँ कि यह मजदूर के ज्यादा हित में है कि वह यह

लिखकर दे दे कि मेरा वेतन बैंक में जमा होना चाहिए और वह जरूरत के अनुसार वहाँ से निकाल सके। मेरी समझ में नहीं आता कि माननीय सदस्य कोई लेबर लीडर है, या क्या है, जो वह इस बिल का विरोध कर रहे हैं। हम तो इसके लिए लड़ रहे हैं। मजदूर बैंक और को-ऑपरेटिव सोसाइटी खोल रहे हैं।

इस बिल में प्राइम मिनिस्टर रिलीफ फंड सम्बन्ध में जो व्यवस्था की गई है, वह स्वागत योग्य है। मजदूर उसमें पैसा देना चाहते हैं और उन्होंने दिया है। माननीय सदस्य कहते हैं कि एम्प्लायर नहीं देते हैं। वे लोग जाये जहन्नुम में, हमें उनसे क्या लेना देना है? राज्य हमारा है और हमें इसको चलाना और दुखी पीड़ितों की सहायता करनी है। हमें इसके लिए दूसरों से भीख नहीं मागनी है।

मेरा यह भी मुझाव है कि फैक्टरीज एक्ट में भी मशोघन किया जाये ताकि अगर मजदूर रिलीफ फंड के लिए खुशी में छुट्टी के दिन काम करना चाहते हैं, तो उन्हें इसकी छूट हो और उस रोज कारखाना चले। आज फैक्ट्रीज एक्ट के अनुसार मानवे दिन छुट्टी रखना आवश्यक है। मेरे यहाँ मजदूरों ने सानवे दिन मिले चलाई है और उस दिन का पैसा डेड लाख रुपये से ज्यादा की रकम रिलीफ फंड में दी है। माननीय सदस्य को मालूम होना चाहिए कि मजदूर कजूस नहीं हैं, बल्कि वे बड़े उदार दिल के होते हैं।

आप ने पैमेंट ग्राफ बेजेज एक्ट के अदर दो तीन बातें एक्सक्लूड की हैं। आप ने प्राविडेंट फंड एक्सक्लूड किया है, प्रेज्युइटी एक्सक्लूड की है, बोनस एक्सक्लूड किया है। मैं समझ सकता हूँ बोनस के बारे में कि बोनस तो नफा नुकसान के ऊपर आधारित होता है, 12 महीने के बाद उस का हिसाब निकलेगा

जब ही मिलेगा। लेकिन इस के अंदर यह है कि जो श्रमिक, मेवामुक्त होना चाहेंगा उसे दूसरे गेज उसका सारा पैसा मिल जाना चाहिए। आप के ग्रेजुइटी के एक्स-क्लूड करने से क्या हुआ है। बहुत से मजदूर चले गए हैं, कुछ मर गए हैं, किन्तु आज तक उन को ग्रेजुइटी की रकम नहीं मिल सकी है। इसलिए इससे साथ यह भी जोड़ना चाहिए कि ग्रेजुइटी की रकम भी उन को मेवामुक्त होने के दूसरे दिन मिलेगी क्योंकि ग्रेजुइटी में कोई ऐसा लम्बा चौड़ा हिमाव नहीं है। आप दूसरे दिन नहीं तीसरे दिन रखिए, चौथे दिन रखिए, एक हफ्ते में देने का रखिए लेकिन यह तो नहीं कि उमे मरे क्यों हो जाये और ग्रेजुइटी न मिले।

दूसी तरह में प्राविडेंट फंड का मैं निवेदन करना चाहता हूँ कि प्राविडेंट फंड कम्पल्सरी है और कम्पल्सरी होने के कारण मजदूर का कटना है, उस में उतनी ही रकम मालिक को मिलनी चाहिए और 20 दिन के अंदर वह बैंक में जमा होनी चाहिए। लेकिन मजदूर की तनख्वाह में से काट लेने के बाद भी वह जमा नहीं करते हैं तो अपनी खद की तो वह क्या जमा करेंगे? मजदूर उमे वमूल करने के लिए कोर्ट में नहीं जा सकता है। मजदूर यह नहीं कर सकता है कि मिल मालिको ने बैंक में 20 दिन के अंदर जमा नहीं कराया है तो उसको डामिकट कर दें। मजदूर को इसका कोई अधिकार नहीं है और इसी कारण लगभग 20 करोड़ की रकम मजदूरों की पटा हुई है। बहुत से मर गए हैं, बहुत से छाड़ कर चले गये हैं, उन का आज तक उन की वह रकम नहीं मिल पाई है। और तो और 103 मिले जिन को सरकार ने अपने हाथ में लिया, जिन का राष्ट्रीयकरण किया, राष्ट्रीयकरण तो हो गया लेकिन प्राविडेंट फंड की रकम, ग्रेजुइटी की रकम, कुछ वेतन की रकम राष्ट्रीयकरण होने के बाद भी उन को नहीं मिल पा रही है। अभी तक कमीशन बैठा

ही नहीं है। तो कुछ अधिकार मजदूरों को भी ऐसा दीजिए कि वे गवर्नमेंट के ही भगत न रहें दूसरों के ही दरवाजे न खट-खटाते रहे बल्कि वह खुद जा कर कोर्ट में केस फाइल कर सकें कि मेरे प्राविडेंट फंड की रकम या ग्रेजुइटी की रकम जमा नहीं कराई है। ग्रेजुइटी की रकम का क्या हो रहा है कि पिछले प्राफिट में मे पिछली ग्रेजुइटी की रकम लाखों-लाख रुपये काट नी और कुछ एक खा गए। कैपिटल रिजर्व फंड में उसको डाला और रिजर्व फंड से बोनस शेयर दे डाला। ये चीज मैं आप के ध्यान में ला रहा हूँ ताकि आप विचार कर गम्ता निकालें।

तीसरा प्रश्न फाइल फंड का है। आप ने अपने कानून से एम्प्लायर को यह अधिकार दिया है कि प्रति रुपये आधा आने फाइल कर सकत है और उस का प्रोमीजर भी दिया है। लेकिन प्रोमीजर को देखने वाला कोई नहीं है क्योंकि आजकल तो मारे लेबर लीडर ऐसे कलियुगी हैं जो इस पर ध्यान ही नहीं देते। मनचाहे तरीके से फाइल करने हैं और जब हजार रुपये इसका हो गया तो आधे आने के हिमाव में 30 पय महीने जाता है। आप के कानून में यह है कि फाइल फंड और अनपेज बेजेज को श्रमिकों के हित में लगाया जायेगा। लेकिन कानून में श्रमिकों के हित में लगा रह है? वह कहते हैं हम कैंटीन चला रहे हैं। मगर कैंटीन चलाना तो फेस्टी एक्ट में अंदर उनका फर्ज है। वह फाइल में चलाए और फिर वहे कि हम श्रमिकों के लिए बैलफेयर कर रहे हैं यह तो कोर्ट सही बात नहीं हुई। इन्क प्रदेन व लेबर मिनिस्टर है लेबर कमिशनर है उन की सुनने को कोई तैयार नहीं है और उन के अधिवार्गी ना ऐसा लगता है कि शायद एम्प्लायर के ही वे सर्वेन्ट हों इसलिए इस चीज के ऊपर ज्यादा ध्यान देने की जरूरत है। करोड़ों रुपया फाइल

[श्री राम सिंह बाई]

फंड का और अनपेक्षित वेतन का ये एम्प्लायर लोग हजम कर गए ।

अब मेरे साथी और भी बोलने वाले हैं इसलिए मैं अधिक बक्त नहीं लूंगा । मेरा निवेदन है कि इस बिल के ऊपर आप फिर से विचार कीजिए जब भी आप को समय मिले । सारे ऐक्ट को रिवाइज करने की जरूरत है और साथ साथ इस का पालन हो रहा है या नहीं इसको भी देखने की आवश्यकता है क्योंकि पालन तो राज्य सरकारों के हाथ में है । आप के इस खजाने से वह लोग ले जाते हैं और बाट कर खा जाते हैं । तो आप के विभाग का भी थम विभागों के ऊपर कंट्रोल होना चाहिए और देखना चाहिए कि क्या हो रहा है क्या नहीं । मैं हृदय से इस संशोधन विधेयक का समर्थन करता हूँ ।

SHRI C. M. STEPHEN (Muvattupuzha): The hon. Minister said that he thought that the Bill would be passed without discussion because *prima facie*, and even after a detailed look into it, one does not find any loophole at all in it from the point of the trade unionists to which they can object.

The trade unionists, to which ever section they belong, do not feel that they belong to a particular fraternity, but that they belong to the INTUC, AITUC, CITU etc. This is the way in which we have been dealing with them, but after seeing the resolution moved by Shri Dinen Bhattacharyya and one or two amendments which he has given notice of, I feel that one would rather not belong to the fraternity to which they claim to belong.

He belongs to the trade union movement of the Marxist Communist Party, the CITU, and unfortunately he has opposed this Bill. But, what is said here

after all ? It has been very ably explained by my friends and I do not have to add to that. It is a long-delayed measure, the wage pattern has changed, and, therefore, the limit for the coverage under the Act has necessarily to be raised to Rs. 1,000.

Banking operation in this country is expanding, more branches are being opened, the nationalised banks have come to stay. The wages of workers have also gone up, may be not the real wages but the money wages, and the workers want security. These are all facts of life which we can see.

One or two months back I had a very painful experience. The workers in a particular factory where I am working came to me with a bundle of authorisations requesting the concern to remit the money into their saving accounts in the bank, but the management refused to do so saying that it meant additional clerical work. They were not prepared to do it. I went to the bank people. They said that they had told the workers who had given the necessary authorisations, but the management did not do it.

There are a number of factories in our country in respect of which we can safely say that their workers would like to have a bank account and deposit their savings in it. Saving and thrift are qualities which the trade unions must encourage among the workers, but here is a set of trade unionists who would not like the workers to have a bank account. They would not like the worker to write a cheque, to have any saving; they would rather like him to remain an illiterate fellow who does not have a bank account, the old status continuing. That is why he is objecting to it.

There is nothing compulsory about it. It has been amply explained. Government have taken power to notify from time to time the fund to which the payment may be authorised to be made because it is

not possible to come to the House every day for that purpose. Nobody should normally object to that.

I find it rather funny that Shri Dinan Bhattacharyya and Shri Mohammad Ismail have given notice of an amendment that it shall come into force on the 12th November, 1980. What is the sanctity of 12th November? I am telling you the mechanical way in which these people are functioning 12th November, 1975 was mentioned in this Bill. Why? Because the Ordinance was on the 12th November, 1975. Here comes an amendment which substitutes it by 12th day of November, 1980. Why should it be 12th day of November? Why should it not be 10th day of November, why should it not be 13th day of November? What about 1980? What is the sanctity of it? Are you going to concede that in the year 1980 the workers will become completely literate, will have financial security completely, will be able to operate a bank account and all that, thereby conceding that Government is operating in such a manner as to bring the workers to a particular level by 1980? Are you going to concede that? Why this 1980? I am only emphasising this to show the mechanical way in which these friends are approaching the issue.

For them, anything that Government does is bad, even if it is for the liberation of the workers, bad, if it is nationalisation, bad, bringing the workers more under the coverage of the Safety Act, bad. They must oppose all this. That is all what they have learnt and that is what they mean by this resolution.

I do not want to add further to it. This Bill shows that Government is aware of the development in the field and they want to make it up-to-date. But it is not that every amendment could be made through this Bill. Payment of Wages Act has got to be amended in a material way, particularly the penal provision has got to be brought up-to-date.

Compulsory rigorous imprisonment should be given to the persons who are not paying wages and all that. All that is still vague. I am sure, the comprehensive legislation which they must be thinking of will be brought forward. Step by step, we are going ahead. This is another step and I welcome every part, every provision of this Bill. I congratulate the Labour Minister for having brought forward this long awaited amendment to the Payment of Wages (Amendment) Act.

श्री साहस्रबल इस्वाइल (बीरकपुर) :
अभी पहले स्पीकर जो बोले हैं, इसमें कोई अपोजीशन का सवाल नहीं है। इस बिल का जो फर्स्ट पोरशन है उसका हम समर्थन करते हैं लेकिन जो बाद में आपन बात रखी है, चेक का जो सवाल है, जो कम्पलसरी चेक दिया जायेगा, फंड का पैसा एम्प्लॉय से कटेगा यह जो सवाल है यह मेरी समझ में नहीं आता है। अभी ए०आई०टी०यू०सी०के प्रेसीडेंट साहब ने प्रोग्रामेंट दिया है कि बैंक ज्यादा पैसे लिखे होंगे हैं इसलिए उनको बैंक में कोई डिफिकल्टी नहीं होगी तो वे ए०आई०टी०यू०सी०के प्रेसीडेंट जरूर हैं लेकिन बाय बायान में जो लाखों मजदूर काम करते हैं, कोल माइन्स में जो लाखों की तादाद में मजदूर काम करते हैं वह कितने पैसे लिखे हैं इसका ज्यादा तजुर्बा ए०आई०टी०यू०सी०के प्रेसीडेंट को है, मुझे नहीं है। (बयबयान) अगर कोई कहता है मुझे तजुर्बा है तो वह इसको करके देखेगा तो उसे पता चल जायेगा।

अब जो यह कहा जाता है कि सी०आई०टी०यू० कर्म्युनिस्ट पार्टी (मारक्सिस्ट) इसका विरोध करती है तो जो बीज आप लाये हैं उसमें आपका मकसद क्या है? आपमें इतनी हमदर्दी मजदूरों के लिए कैसे पैदा हो गई? जब मालिकों ने मजदूरों के प्राविडेंट फंड का बीस करोड़ रुपया मार लिया

[श्री मोहम्मद इस्माइल]

उस वक्त हमने प्राम में यह हमदर्दी नहीं देखी यहाँ तक कि उनको सजा देने के लिए कानून पास हुआ, पांच सात वर्ष बाब लेकिन तब भी उसका कोई ससर नहीं हुआ और अभी भी उनका पैसा जमा है। फिर रातों रात आपको यह हमदर्दी कैसे पैदा हो गई? आज ई०एस०आई०स्कीम जो है उसमें मजदूरों को दवायें नहीं मिलती हैं, हजारों लाखों मजदूर तड़प रहे हैं और फिर एम्प्लायर्स उनका पैसा जमा नहीं करते हैं। फिर रातोंरात आपको यह हमदर्दी कैसे आ गई, यह मेरी समझ में नहीं आया।

हमारे रामजी भाई जो हैं वह इतने दिन से ट्रेड यूनियन चला रहे हैं लेकिन वे ट्रेड यूनियन का टी जरूर जानते हैं, धमते भी हैं लेकिन बाकी उनको कुछ पता है या नहीं यह मुझे नहीं मालूम। वह जमाना अब खत्म हो गया है। मजदूरों ने जब ट्रेड यूनियन शुरू की थी तब क्रेडिट सोसाइटीज नहीं थीं। मजदूरों को बहुत परेशानी होती थी। उनका पैसा मारा जाता था और इतनी बाधलेबाजी होती थी कि मजदूरों ने स्वयं सांग की कि क्रेडिट सोसाइटीज कायम की जायें जिसमें मालिक भी पैसा दे और मजदूरों का पैसा भी कटे। वह रजिस्टर्ड सोसायटीज चल रही हैं। यह सब आपकी दया पर नहीं हुआ है, इसके लिए मजदूरों को लड़ना पड़ा है, बहुत से लोगों की नाकटियाँ गई हैं, बहुत से लोग सस्पेंड हुए हैं और बहुत से लोग ट्रांसफर हुए हैं। तब भी धांधले बाजी है।

मैं जिस यूनियन में काम करता हूँ— मैं 25 यूनियनों का प्रेसिडेंट हूँ और मैं अच्छी तरह से जानता हूँ, मान लीं आपने बैंक का सिस्टम इंट्रोड्यूस किया तो मालिक उसका किस तरह से फायदा उठावेंगे। मजदूरों का प्राविडेंट फंड का पैसा होता है, ई०एस०

माई० का पैसा होता है और वे डे आपने उस तारीख की कर दिया तो उस तारीख को वह पे जमा नहीं करेंगे, पांच दिन उसमें और लगा देंगे। अगर मान लीजिए बैंक में पैसा नहीं है तो मजदूरों में दौड़ा दौड़ी खुद होगी। फिर अगर पांच हजार आदमी कारखाने में काम करते हैं तो उनको कारखाना छोड़ कर पैसा लेने के लिए जाना पड़ेगा। जो एम्प्लायर है वह बैंक को कमलसरी कर देगा। आपने जहाँ बालन्टरी करके एम्प्लायर को छूट दे दी तो वह यही बोलेगा कि यही कानून है, तुम की करना हो तो करो नहीं तो बाहर जाओ। जो भी इसका अपोजीशन करेंगे उनको चार्जशीट दी जायेगी और फिर उनको कोई प्रोटेक्शन नहीं मिलेगा। (व्यवधान) मैं आपको एक मिसाल देना चाहता हूँ। 16,000 आदमी स्टेट ट्रान्सपोर्ट में काम करते हैं और 10,000 आदमी ट्राम में काम करते हैं। सात से दस तारीख तक उनका पे डे है। अब कलकत्ते में इतने हजार आदमियों को अपनी ड्यूटी छोड़ कर जाना पड़ेगा। अगर वे अपनी ड्यूटी छोड़ कर जाते हैं तो उनकी चार्जशीट होगी। फिर आपके पास क्या अर्रेंजमेंट है कि दस हजार आदमियों को तीन दिन के अन्दर पे मिल जायेगी। बैंक में लाइनें लगेगी और जो दूसरे लोग जो वहाँ पर जाने वाले हैं उनको जगह नहीं मिलेगी। अगर 16,000 स्टेट ट्रान्सपोर्ट के और 10,000 ट्राम के तीन बैंक में जायेंगे तो बैंक का काम नहीं चलेगा और बाद में इमर्जेंसी के नाम पर उन पर डंडे पड़ेगे। तो इसका आप कैसे रोकेंगे। इसलिए हम इसका विरोध कर रहे हैं। आप यहाँ पर कोई चीज लायें तो उसके पहले यह देखना चाहिए कि प्रैक्टिकली उसको कैसे काम में लायेंगे आप कोल माइन्स के वर्कर्स जो हैं उनको बैंक देंगे और कहेंगे कि बैंक में जाइये। सब माइन्स बंद करके बैंक में खड़े हो जायेंगे तो प्रोटेक्शन गिरेशा आप वर्कर्स को रोक सकेंगे? नहीं आप कहेंगे कि कमलसरी

नहीं है। सी० भी पूछना चाहता हूँ तो फिर इसकी साने का फायदा क्या है। हाँ, यह कहें कि बैंक में 200, 400 करोड़ रु० जमा कराना चाहते हैं जिस पर आप का कंट्रोल रहे तो बात भलग है। अगर हम मकसद में यह बिल लाये हैं तो बात दूसरी है। हम ट्रेड यूनियन में काम करते हैं, कोई कानून है कि बाल पक गये। हम कहते हैं कि जो इस तरह की बात करने हे उन का दिमाग पक गया। मेरा कहना है कि यह बहुत खतरनाक चीज आप करने जा रहे हैं। डा० एनेन सेन ए० आइ० टी० यू० सी० के चेयरमैन हैं और नेशनल एम्प्लायर कमेटी के मेम्बर भी है, वह इन्फ़र-हार निकलवा कर मजदूरों को समझावे कि हम ने यह किया है। यह नहीं हीना चाहिये कि जहा मजदूर मना करेगे तो आप कहे कि सी० आइ० टी० यू० ने कराया और जहा मजदूर बैंक ने लेगे वहा आप कहे कि हम ने कराया है। यह डबल स्टैंडर्ड नहीं चलेगा। इसलिये मेरी मांग है कि कम से कम आप इस पॉइन्ट को निवाल दे और प्रधान मंत्री को बेइज्जत न कराये। अभी तक वर्कर्स से वह गालिया नहीं खाती ह लेकिन अब मुझे डर है कि वह खाने लगेंगे। एम्प्लायर खड़ा होगा और मजदूरों से कहेगा कि प्राइम मिनिस्टर के नाम में कान कान दगा करा दस्तखत। अगर कार्ट कहता है कि मैं नहीं करूंगा तो अगले दिन ही उन का चार्ज प्रोन्स मिल जायगी इसलिये मजबूरन उन का एम्प्लायर की बात मानना पड़ेगा, और मोहम्मद से जा कर वह सरकार को माली देगा। ए० आइ० टी० यू० सी० वाले अगर वर्कर्स का समझा मके तो अच्छा है। मजदूर प्राइम मिनिस्टर से प्रेम रखते हैं, वह उनको दे, लेकिन अगर आप यह कह दें कि एम्प्लायर एम्प्लॉईज का अयोग-जेशन ने तो कौन सा एम्प्लॉई है जो मैनेजर के सामने कहेगा कि हम अयोगराइजेशन नहीं सेते है। उन का जबरदस्ती दस्तखत करने होंगे। हम नहीं चाहते कि

प्राइम मिनिस्टर को गालियाँ खिलावायें। हम उन के उलूकों के खिलाफ जरूर है, लेकिन यह नहीं चाहते कि इस तरह की बात मजदूर करें। आप जानते हैं कि वर्कर्स पर इस का क्या असर पड़ेगा? एम्प्लायर्स जिस तरीके के बेज में हैं वह मजदूरों की पकड़ कर नहीं बन्कि बाध कर के लायेगे और जबरदस्ती करायेगे। मैं हकीकत आप के मानने रखना चाहता हूँ आप के अरेजमेन्ट है कि दस हजार आर्दामियों को तीन दिन के अन्दर पे मिन जायेगी। बैंक में लाइने लगेंगे और जो दूसरे लोग वहा पर जाने वाले है उनका जगह नहीं मिलेगी। अगर 16000 स्टेट ट्रान्सपोर्ट के और 10000 ट्राम के तीन बैंक में जायेगे तो बैंक का काम नहीं चलेगा और बाद में इमर्जेंसी के नाम पर उन पर डंड पड़ेगे। तो इसको आप कैसे रोकेंगे। इसलिए हम इसका विरोध कर रहे हैं। आप यहा पर कोई चीज लाये तो उसके पहले यह देखना चाहिए कि प्रिक्टिकली उनको कैसे काम में लायेगे। आप कॉलमाइन्स वर्कर्स जो है उनकी चेक देगे और कहेंगे कि बैंक में जाइये। विचार के लिये प्रधान मंत्री भी यहा मौजूद है वह जरा दम बारी में सोचे। जिन वर्कर्स के कम्पनयन्स डिपॉजिट्स हो रहे हैं, उन का बानस कट गया है अब बैंक में जमा करा रहे है फिर प्राइम मिनिस्टर फंड के लिये दस्तखत करायेगे तो आप बताइये कि इसका क्या नतीजा होगा। अब आप प्राइम मिनिस्टर का नाम जाड रहे है यह ठीक नहीं है। आप वहा नेशनल फंड कह दीजिये। उन अफाज के साथ मैं दम बिल ना विरोध करता हूँ।

श्री मूल चन्द डागा (पानी) अध्यक्ष
 जी एक छोटा सा मवाल था वनाज 6
 आयन पडा जागा जो इस प्रकार है

[श्री मूल चर्चा समाप्त]

"All wages shall be paid in currency coin or currency notes or in both."

Now, the proviso to be inserted is:

"Provided that the employer may, after obtaining the written authorisation of the employed person, pay him the wages either by cheque or by crediting the wages in his bank account"

मेरे क्वाल से जा बात अभी माननीय सदस्य कह रहे थे, या माननीय दिनेश भट्टाचार्य जी ने कही, अगर वह इम क्लोज और प्रोवीजी को पढ़ लेते तो बात साफ हो जाती। वह तो पढ़ा नहीं और क्लोज (1) पर बहस कर रहे हैं। क्लोज में साफ है कि कैश में दी जायगी, और प्रोवीजी को पढ़ लेते तो ऐसी बात नहीं करते।

आप नेशनल बेज पोलिसी बनाने की बात करते हैं। मैं पूछना चाहता हूँ कि जो मजदूर हैं वह अपने पसोने की कमाई कब तक एम्प्लायर को देंगे? यह डिमैण्ड की कब खतम होगी? जो मिल मालिक है वह मैनेजर को, डायरेक्टर को काफी तनख्वाह देते हैं लेकिन जो अपने हाथ में ले करता है, मेहनत करता है उस की तनख्वाह कम है। यह अन्तर कब कम किया जायेगा? इसलिये मेरा कहना है कि आप नेशनल बेज पोलिसी बनाइये कि एक सा काम करने वालों को, चाहे वह सोमेट फैक्ट्री हा या दूसरा कारखाना हा, या फार्म पर काम करने वाला हो, उन सब को एक सा वेतन मिले। और जो मालिक है जा अपने रिश्तेदारों को बड़ी बड़ी जगहों पर रख लेते हैं जिन की हजारों २० तनख्वाह की शकल में देते हैं, कार और बगले देते हैं यह बन्द होना चाहिये। देश में हम को श्रम की प्रतिष्ठा कायम करनी है, विषमता हटाना है। जब तक आप ऐसा नहीं करेंगे तो लोग कहेंगे कि हमारी कमाई का शोषण व्हाइट कोलर्ड लोग कर रहे हैं।

यह जो 1936 का पेमेंट आफ वेजेज ऐक्ट है इसमें बहुत बड़े सशोधन की जरूरत है, बांस कर के 20 सूत्री आर्थिक कार्यक्रमों की नजर में रखते हुए आप जल्दी से इस कानून में परिवर्तन कीजिये और जो असमानता है वह दूर कीजिए। जो लोग काम नहीं करते हैं, बल्कि मजदूरों की कमाई का शोषण करते हैं, उन की तनख्वाहें बढ़ाइयें। जो उत्पादन करते हैं उन को ज्यादा मिलना चाहिये। शोषण क्लास को कम कीजिए और मेहनत करने वालों की ज्यादा दीजिये। इस पेमेंट आफ वेजेज ऐक्ट के अन्तर अभी भी हम हजारों, लाखों मजदूरों को उन की मेहनत का मूल्य नहीं चुका पाये हैं। जो हमारा सिद्धान्त है कि मेहनत की प्रतिष्ठा होगी उस का प्रतिपालन होना चाहिये।

अध्यक्ष महोदय यह तो पेमेंट आफ वेजेज से संबंधित है, मजदूरों दिलाने से संबंधित नहीं है।

श्री मूल चर्चा समाप्त मैं वही कह रहा हूँ कि अगर आप चाहते हैं कि समान वेतन हा तो आप को जल्दी करनी होगी। मेरी मांग है कि इस में पूरा सशोधन होना चाहिये।

श्री एस० राजगोपाल रेड्डी (निजामा-माबाद) अध्यक्ष जी, जो बिल मदन के सामने लाया गया है उस का मैं मसौदा करता हूँ क्योंकि हमारे जो मजदूर भाई हैं उन का पेमेंट बैंक के जरिये होना चाहिये क्योंकि हम लोग देख रहे हैं कि मनी लैंडिंग ऐक्ट पर और उन के बिजनेस पर नितनी पाबन्दिया लगायीं फिर भी मनीलैंडर्स बहुत शोषण कर रहे हैं और वह हमेशा मजदूरों से अथीराइजेशन लेटर ल कर उन का पैसा बसूल करते हैं। अब यह होगा कि एक बार पैसा बैंक में जाने के बाद उससे पैसा निकालने के लिये आदमी बहुत हिचकिचाता है

है। पैसा बचाने की उसकी आदत ही जाती है। इस वास्ते यह जो बिल लाया गया है यह बहुत सही टाइम पर लाया गया है और मजदूरों के हक में होगा।

यह भी कहा गया कि मजदूर भ्रमपड़ हैं। जो हमारे ट्रेड यूनियन लीडर्स यह बात कह रहे हैं उन लोगों को शर्म आनी चाहिए कि 25 साल के बाद भी वे भ्रमपड़ हैं। इसके लिए बेहतर यह होगा कि जो ट्रेड यूनियन लीडर्स हैं वे मजदूरों को पढ़ाए और इस का भी उन की इन्तजाम करना चाहिए। मजदूरों से आप अपने का पैसा ले लेते हैं और उस पैसे को मजदूरों की यूनियनों के लीडर्स अपने वास्ते खर्च करने की बजाय उन की एजुकेशन पर लगाएं ताकि मजदूर पढ़ना लिखना सीख सकें और अपने पैसे को खुद झा कर सकें। जो पैसा बैंक की पासबुक में एम्प्लायर क्रेडिट करता है, उस पासबुक में एन्ट्री के साथ ही मजदूरों को पैसा मिलना चाहिए। इस तरीके से जो अन्देश है कि एम्प्लायर मजदूरों का पैसा खा जाएगा, वह दूर किया जा सकता है। अगर किसी जगह एम्प्लायर मजदूरों का पैसा खुद खा रहा है, तो मैं पूछना चाहता हूँ कि आखिर इन ट्रेड यूनियन लीडर्स का क्या काम है अगर वे हम बीज को भी नहीं देख सकते हैं। ट्रेड यूनियन लीडर्स को मजदूरों की भलाई करनी चाहिए और मैं यह समझता हूँ कि ट्रेड यूनियन मूवमेंट को रखना चाहिए। अगर सी० पी० एम० वाले ऐसा नहीं कर सकते हैं, तो मैं कहूंगा कि मेहरबानी कर के अपनी यूनियन को बर्खास्त कर दीजिए, आई० एन० टी० यू० सी० इस का अच्छा इन्तजाम कर लेगी।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री बाबोबर पांडे (हजारीबाग) :
 अध्यक्ष महोदय, यह बिल जो अभी सदन के

सामने लाया गया है इस में बहुत विरोध को गुंजाइश नहीं है। यह बिल अच्छी नियत से लाया गया है और इसका उसी नियत से हमें स्वागत भी करना चाहिए, लेकिन इसमें जो सावधानी बरतनी चाहिए, उस के बारे में सावधान करना भी मैं लाजमी समझता हूँ।

इस बिल के आने के बाद और इस को लागू करने के बाद अगर उन दिक्कतों की बयान न किया जाए, जिन का सामना करना पड़ेगा, तो मैं समझता हूँ कि बिल में थोड़ी कमी रह जाएगी। अभी इस्माइल साहब ने बड़ी लम्बी चौड़ी तक्कीर की और कोदला खदानों के मजदूरों के सम्बन्ध में उन्होंने बहुत हमदर्दी की बात कही जिस ढंग से बातें कही गईं वैसे बात नहीं है लेकिन कुछ बातें सही हैं।

एक बात तो यह है कि कोयला खदानें जिन में हिन्दुस्तान के 6 लाख मजदूर काम करते हैं, शहरों में नहीं होती हैं। वे तल्लुकों और पहाड़ों में होती हैं और वहाँ पर कोयला मिलता है और वहाँ से एक बैंक कम से कम 15, 20 मील की दूरी पर होता है। आज हिन्दुस्तान में ऐसी कोई कोयला खदान नहीं होगी जो शहर से, जहाँ पर बैंक खुला है, 10 मील से कम दूरी पर हो। अभी हाल में करीब दो साल से समूची कोयला खदानों में जहाँ 800 कोलरीज है मुश्किल से 10 कोलरीज ऐसी होगी जहाँ पर बैंक की शाखाएँ हैं। ऐसी हालत में बैंक से पेमेंट करने पर मजदूरों को 10 दौड़ना पड़ेगा और तब कही जा कर उन के बैंक का भुगतान होगा। तो मैं यह समझता हूँ कि इस से मजदूरों को बड़ा नुकसान और परेशानी होगी।

जहाँ तक प्राइम मिनिस्टर रिलीफ फंड का सवाल है, सी० आई० टी० यू० की बात

[श्री बालोदर पांडे]

नहीं करती लेकिन हम ने इस मामले में एरीनेट किया था और पिछले साल जो बिहार में भूदर बाढ़ आई थी, ता हम लोगों ने यह एरोमेन्ट किया था कि एक दिन की तन्खाह ग्राहम मिनिस्टर फंड या चीफ मिनिस्टर फंड में दी जाएगी। उन्होंने कोई एरीनेट नहीं किया और जब यह सवाल उठा कि इस पैसे को फंड में दिया जाए तो यह कहा गया कि इसको तन्खाह में से काट नहीं सकते हैं, क्योंकि पैमेन्ट आफ वेजेज एक्ट ११ को एलाउ नहीं करता। इसलिए यह सजोघन करना बहुत जरूरी था। मैं यह कह सकता हूँ कि जब भी देश पर मकट आया या देश को कोई आवश्यकता पड़ी, तो मजदूर किसी ने पीछे नहीं रखा लेकिन ऐसे अवसर पर अगर हम उन को सही निर्देशन नहीं देंगे और सही काम करने के लिए सही हथियार नहीं देंगे तो वे बेचारे क्या कर सकते हैं। हम लोगों ने 51 लाख रुपया बिहार फलड रिलीफ फंड में दिया और हम किसी में पीछे नहीं रहें लेकिन यह भी जरूरी है कि जो बाधाएं आती हैं उन को दूर किया जाए।

इसके अलावा जो पैमेन्ट का सवाल है हमारे कुछ भाइयों ने कहा कि मनीलैडर्स में घबरे के लिये यह होना जरूरी है। अगर हम के लिए सभी सुविधाएं होती, तो मैं जरूर कहना कि यह होना जरूरी है लेकिन जहां तक हम कोयला खदान में मजदूरों का जानकारी है, उन पर अगर आप हम को लागू करेंगे तो बड़ा नुकसान हो जाएगा और वे लोग बड़े भयंकर मकट से घा जाएंगे। आज हमने में पैमेन्ट होती है और यह बात सही नहीं है कि हर जगह मनीलैडर्स इन लोगों को परधान करते हैं। अगर मनीलैडर्स में हिम्मत होती तो कोयला खदानों का नेगोशिएशन न होता

क्योंकि मनीलैडर्स सभी मामलों के इलाक़ हैं। उनकी वहां बसती और कोयला खदानों का राष्ट्रीयकरण संभव न होता। राष्ट्रीयकरण करने के बाद और उस के पहले भी हमने मजदूरों का एक संगठन तैयार किया था और मजदूरों की ताकत को बढ़ोरा है। जहां पर मजदूर मजठित हैं वहां पर मनीलैडर्स की हिम्मत नहीं है कि मजदूरों को लूटे, लेकिन अगर आप बैंक से पैमेन्ट करने की बात मान लेते हैं तो 10 मील दूर जा कर बैंक से मजदूरों को पैसा लाना पड़ेगा और इस में एक दूसरा मिडिलमैन खड़ा हो जाएगा। इस का मुझे खतरा है। पैमेन्ट आफ वेजेज एक्ट यह भी कहता है कि मजदूरों का जो पैमेन्ट हो वह बैंकिंग आवर में होना चाहिए। बैंकिंग आवर में पैमेन्ट होगा, तो उस को 10 मील दूर जाना होगा और इस के लिए क्या आप उसको इजाजत देंगे।

श्री बलंत साठे (अकोला) यह इच्छा परहू जबरदस्ती नहीं है।

श्री बालोदर पांडे डिस्क्रिशनरी नहीं है। मैं दुप वा एक्स तेन कर देना चाहता हूँ। हमारे यहां में यह बात ओरिजिनेट हुई थी और बिल का एरोमेन्ट शायद हम लोगों की सजेशन पर ही आया था। कोल टण्डिया लिमिटेड में यह बात चल रही थी और उन्होंने कहा था कि हम लागू पैमेन्ट बैंक में करना चाहते हैं। हम लोगों ने उस का विरोध किया और क्यों विरोध किया उस का कुछ उदाहरण मैं ने आप के सामने रखा है। अगर आप मनीलैडर्स के नाम पर बैंक से पैमेन्ट करेंगे तो दूसरी टाइप के मनीलैडर्स खड़े हो जाएंगे और वस्तु टाइप के मनीलैडर्स खड़े हो जाएंगे। ऐसा खतरा मुझे बहुत होता है और मैं इस के बारे में सच्ची को साबधान कर देना चाहता हूँ। दूसरी बात यह कही गई कि ऐसा

करने से हम स्टाफ थोड़ा कम कर सरेगे। इस में कोई एतराज नहीं है कि इकोनामी होनी चाहिए और कम से कम लोगो से ज्यादा में ज्यादा काम सेना चाहिए, लेकिन मैं यह समझता हूँ कि इस से स्टाफ में कमी नहीं होगी। आज तो शनिवार को पैमेंट होता है और जितना भी स्टाफ काम करता है, वह सब का सब शनिवार को पैमेंट ले लेता है और एक दिन में पैमेंट कर दिया जाता है। आखिर पैसा मजदूरों को देना है, वह चाहे बैंक दे या कोयला खदान वाले दे। अगर आप अपने यह स्टाफ कम करेंगे तो बैंक में और स्टाफ लगाना पड़ेगा और अब तो एक दिन लगता है तब मातों दिन लगेंगे। अब सब मिला-जुला कर देखा जाए, तो स्टाफ की कमी नहीं होगी। आपके यहां से पैमेंट नहीं होगा, तो बैंक में स्टाफ बढ़ाना पड़ेगा और वहां पर पैमेंट में गड़बड़ भी हो सकती है और पैमेंट समय पर भी नहीं हो सकता है। इसलिए मेरा यह स्पष्ट मत है कि यह जो बालेटी मिस्टम टनहाने रखा है, टम को रिजिनली वालटरी रखे। अगर इसको सिर्फ वालेटरी रखने है तो जैसा कि इस्माइल साहब ने कहा कि कुछ कोयला खदानों ने पहले ही इस को लागू कर दिया। बिन आने के पहले ही दो तीन जगह पर बैंक में पैमेंट करना शुरू कर दिया गया था और कह दिया गया था कि अब बैंक से पैमेंट हम देंगे। हम लोगो ने जब झगडा किया, जब थोड़ा गुस्सा दिखाया तब उन्होंने ऐसा करना बन्द किया। ऐसा नहीं होना चाहिये कि हम कहें तो यह वालेटरी है लेकिन बिना बात किए हुए इसको लागू कर दिया जाये। जहाँ मजदूर यह महसूस करने हो कि यह सुविधा उनको मिले वहां इसको आप लागू करें, जहां बैंक ले कर बैंको से वे पैसा उठा सकते हैं वहां इसको लागू किया जाय, ऐसा न हो कि मालिक और अधिकारीगण जबरदस्ती लागू कर दें।

इससे मजदूरों का मुक्तान होगा। इसके प्रति मैं मंत्री महोदय को सावधान करना चाहता था।

सरदार स्वर्ण सिंह सोखी (जमशेदपुर) : मैं इस बिल का स्वागत करता हूँ। इसको ला कर मिनिस्टर साहब ने बहुत अच्छा काम किया है। अब इस पर इम्प्लीमेंटेशन भी ठीक प्रकार से होना चाहिए। मेरे कुछ दोस्तों ने इसका जबर विरोध किया है। मेरे ख्याल में उन्होंने इसको समझा नहीं है (व्यवधान) सिर्फ आपका यहां बंगाल में ही कोल माइज नहीं हैं और वही लेबर काम नहीं करती है। लाखों लाख लेबर जमशेदपुर में भी काम करती हैं जहां से मैं आता हूँ। वहां भी लेबर को बहुत सी तकलीफें हैं। ये तकलीफें मनीलैडर्स की वजह से भी हैं। वहां बीकली, फोटोटाइली और मथली सब प्रकार की पैमेंट्स होती हैं। सब बजे जब वे पैमेंट ले कर वापिस जाते हैं तो गुट्टे मनीलैडर्स के उन से पैसा छीन लेते हैं। बैंक से इस वास्ते पैमेंट करना बहुत जरूरी है। बल्कि मैं तो समझता हूँ कि इसको कम्पलमरी कर देना चाहिये। मेरा सुझाव है कि आप वहां बैंक खोल दें, जगह जगह पास में ही बैंक खोल दें ताकि यह जो पैमेंट की दिक्कत है यह न रहे। इस के लिए और भी कई सुझाव मेरे दोस्तों ने दिए हैं और उन पर भी आपको विचार कर लेना चाहिये। एक दो बातें मैं कहना चाहता हूँ। जो गवर्नमेंट के कंसर्न हैं उन में तो कोई दिक्कत नहीं होगी पैमेंट देने में। लेकिन जो प्राइवेट फर्म हैं वे बदमाशी करती हैं। उन पर आपको खास दृष्टि रखनी है। वे पैमेंट करती हैं या नहीं इसको आप की देखना है। हम एम० पी० जी० को आपने यह सुविधा दे रखी है कि हमारा बैंक बैंक के पास चला जाता है। उनको भी इस तरह की सुविधा आपको देनी चाहिये। प्राइवेट फर्म में बहुत बच कर

[सरदार स्वर्ण सिंह सोनी]

रहने की जरूरत है। कौन सी कंपनी पैसा कैसे ज्यादा काट लेती है, बहुत से पैसे का पैमेंट नहीं करती है, उसकी मैनोफाइंड इंटेशन है या नहीं, इस सब को आपको देख लेना चाहिये। अब मैं मिनिमम वेजिज के बारे में कुछ कहना चाहता हूँ। मिनिस्टर साहब को पता है कि कई बार इमर बांने में मैंने उनको लिखा है। माइज में कांटेक्टर्ज के यहाँ जो लेबर है या गवर्नमेंट डिपार्टमेंट्स में जो लेबर है उसको मिनिमम वेजिज भी नहीं मिलती है जो आपने पहले से ही धाधित कर रखी है। मिनिमम वेजिज देने में डिले के कर रहे हैं। कभी कहा जाता है कि फाइनेंस में कागज पड़ा हुआ है, कभी क्या जाना है नहीं और पड़ा हुआ है। आप कहते हैं कि सजेशन लेने का टाइम है। मैं पूछना चाहता हूँ कि सजेशन की क्या जरूरत है? जब कानून लागू है तो इनको इम्प्लीमेंट क्यों नहीं किया जाता है। वेस्टिड इंटरेस्ट बीच में आ जाते हैं और फाइल एक एक और दो दा महीने पड़ी रहती है। आपका डिपार्टमेंट को देखना चाहिये कि क्यों मिनिमम वेजिज की फाइल पड़ी हुई है फाइनेंस मिनिस्ट्री में। पांच छ बार मैंने आपके डिपार्टमेंट की लिखा है, आपको भी पल लिखा है। मिनिमम वेजिज को आप लागू करें। यह बहुत जरूरी है। आगे आप ज्यादा दे यह तो बहुत अच्छी बात है। लेकिन जिम को आप कह चुके हैं वह तो आप उनको दिलवाए। लेबर कमिशनर्ज को हिदायते इससे बारे में दे।

अध्यक्ष महोदय : यह अलग बात है।

सरदार स्वर्ण सिंह सोनी इन शब्दों के साथ मैं इस बिल का स्वागत करता

हूँ और मिनिस्टर साहब से प्रार्थना करता हूँ कि इसको वह इम्प्लीमेंट करवाए ताकि कुछ इसका नतीजा निकल सके।

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY) I am extremely thankful to all the honourable members who have participated in this debate and those who have extended whole hearted support. The dissenting voices, not unexpectedly now, have come from Shri Dinen Bhattacharyya and Shri Mohammad Ismail who seem to have shared a common infection in this matter. I am very sorry for them that this infection does not seem to be cured according to their own admission upto 1980. This is a very tragic situation in which they have placed themselves. With regard to the point made by M- Damodar Pandey, I do not share the opinion. If there are any difficulties that any trade union workers would face due to non-opening of banks' branches at the various places, this matter can be taken up with managements concerned and with the banking institutions concerned. As I have said in my opening remarks there is no compulsion at all that he must receive by cheque. You will find this in Section 6 of the principal Act. The following proviso shall be inserted at the end, namely, 'Provided that the employer, may after obtaining the written authorisation of the employed person, pay him the wages either by cheque or by crediting the wages in his bank account.' Before any employer takes to the course of paying the wages into bank account or by cheque he must receive from the employee an authorisation and in the absence of written authorisation he is precluded from doing so. I do not share his opinion that any trade union worker or anybody will be forced to give authorisation. I do not share his misgivings in this regard and if the worker is forced to give such authorisation, then it is no credit or tribute to the working class movement and trade union movement.

SHRI DAMODAR PANDEY: You are hoping, but here we are talking from experience.

SHRI RAGHUNATHA REDDY: If the authorisation for a cheque can be got by pressure, then, what is the guarantee that giving in currency or coin cannot be taken away by pressure? The point is, when cheque is given, there is some certainty, or when it is deposited in the bank account, and it would take sometime for anybody to exercise some pressure and some trade union can go to his rescue. But if he wants in cash, immediately, after he leaves the cash office all kinds of pressure would start emanating. But in order to avoid this kind of a thing, this provision is made and I may submit, even this provision was made because many trade union leaders themselves suggested that this kind of a provision would be beneficial to workers themselves and it is only at their insistence that we have brought forward this provision.

Regarding Prime Minister's Relief Fund, many trade union leaders have suggested this. Many workers are prepared to support the programme and contribute to the Prime Minister's Relief Fund by making their own contribution. There are many difficulties in collecting from person to person. The working class is willing to make a handsome contribution and so this contribution is deducted at the time of payment of wages itself instead of collecting from worker to worker. Many trade union leaders have expressed their views in this matter. It is only on their representations that this provision has been made and there will be no difficulties in their making willing contributions for the purpose of National Fund or Funds of national importance like the Prime Minister's Relief Fund.

I do not think I should elaborate anything further in my reply. I hope this Bill will be passed without any further dissent.

MR. SPEAKER: Mr. Bhattacharyya. I would request you to be brief.

SHRI DINEN BHATTACHARYYA: No doubt I would be brief. Sir, some remarks have been made here by some hon. Members. I shall speak about them afterwards. First of all, I want to state categorically that while initiating the Bill, Mr. Reddy stated something. And he repeated the same thing while replying too. He did not meet with any point made by the Members who have opposed this sort of insertion of clause in the Bill regarding the payment of salary by cheque or for making any contribution to a fund. We know what is actually happening to the workers. The Minister too must know it. I shall challenge the hon. Minister. The Government collected funds so many times by taking the help of Dr. Ranen Sen whose party is in alliance with the Government. Where is the amount? Did you submit any account in 1962 when you collected crores of rupees in the name of war fund? And even afterwards, money was collected for so many funds in so many names. Where is the account and who is going into this matter? I say the minister is a prisoner of the circumstances and that is why I am saying this that he will tell something here but outside he will say something else and he would say that what Mr. Bhattacharyya said was hundred per cent correct.

MR. SPEAKER: The war funds forms part of the Consolidated Fund.

SHRI DINEN BHATTACHARYYA: That I know. I do not object if there is a clear authorisation from a particular employee that the employer can deduct the amount from his wages and make the payment by a cheque. Had this been a simple thing like that, I would not grudge. Mr. Ranen Sen, from the very outset, stated something about the very first Clause where the level of the wage has been raised from Rs. 400 to 1,000.

13'13 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

I have no objection to that. Perhaps he did not hear. What I said then. In

[Shri Dinesh Bhattacharyya]

fact, he did not hear not only what I said but even what others said. We have made contributions and it is we who went to the jail who were involved in the struggle for raising the wage level and giving this benefit to a particular worker. We were responsible for raising the wage level from Rs. 400 to 1,000 for which Shri Ram Singh Bhasin takes the credit now as if nobody else has done anything for that.

So, Sir, I do not have any quarrel with the hon. Minister as regards the first clause. For the second and third clauses, I still emphatically oppose because, in the name of voluntary giving the authority to the employees, for payment by cheque they will make it compulsory. What are you doing when there is a provision in the ESI that in case of accidents the workers must get a compensation? How many times the concerned workers have to go to your Calcutta Office in Ganesh Avenue for getting their claim. But even after months and months they do not get anything. There is a provision that payment will be made either by cheque or by cash and in whatever manner the worker may like. Mr. Ranen Sen must take note of this that out of 100 employers, more than 80% of them will only take the advantage of payment by cheque and they will not at all deposit in the bank in time the due amount of wages of the workers. Here you have asked every worker to open an account. Mr. Ranen Sen says that in plantations, literacy has increased. I will give him a challenge. Let him visit with me any plantation in North Bengal. I will prove that literacy has not increased, literacy has gone down, in jute and plantation areas. Perhaps these people do not visit any post office on pay day. There you will see a Munshi sitting. On every M. O. they are charged 8 annas or one rupee. These big leaders like Mr. Sen

Who have no touch with the workers, here in this House are saying that everything is alright. That is not so, Mr. Reddy. Do not distort the stand of CITU. This is a crime on your part. I say that the steps you are now suggesting will not help to save workers from the clutches of moneylenders. So long they were surrounding the post offices; now they will surround the banks. There they will stand with their goondas and big lathis and force the workers to pay whatever the workers may get from the bank by cheque, if at all. You cannot get rid of these nefarious tactics of the moneylenders.

The next point is very simple, that is, 'any other fund'. What do you mean by 'any other fund'? Suppose Birla's mother is dead and he wants to open a fund and ask for workers' contribution. Dr. Ranen Sen will go out with a Jhanda in both hands and shout that the workers should contribute because it is a voluntary payment. But the situation is not that simple. So, I humbly request the Minister to think over this.

I must make one thing clear. I would ask Mr. Reddy. Did you place it in the Consultative Committee saying that you are introducing this system of payment by cheque or payment to any contributory fund on the so-called consent given by the worker? You did not. For the last three years, you did not even convene any meeting of the Standing Labour Committee. You have now said that you have organised a new show-boy of your Government in the name of the Apex Body where only those parroting the policy of the Government from A to Z have access, not to anybody else like me who will always safeguard the interest of the workers at the cost of anything. You have not the courage to face a body where you will hear a dissenting voice.

**Res. and Payment of MAGHA 14, 1977 (SAKA) Res. and Payment of 66
Wages (Amdt.) Bill Wages (Amdt.) Bill**

Just as your Government is behaving in Parliament, so it is in your Apex Body, which, I say, is a dead body. No sensible trade union leader will go there and participate. No interest of the workers can be safe by going into that body which is nothing but a dittoing machine, a dittoing tool of the Government.

So I emphatically reiterate my Resolution and request members to accept it. I am thankful to those members who have come forward with statements of fact. They are not from outside. The member who is doing trade union work in the mines knows what is the difficulty of the miners. Before you had introduced this Bill, the owners of the mines started taking money in a contributory fund or paying by cheque. This is the thing said by your own party member. I still stand by my Resolution and I hope the House will accept it.

MR. DEPUTY-SPEAKER : The question is :

"This House disapproves of the Payment of Wages (Amendment) Ordinance, 1975 (Ordinance No. 21 of 1975) promulgated by the President in the 12th November, 1975."

The motion was negatived.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Payment of wages Act, 1936 as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : We take up clause-by-clause consideration of the Bill. There are no amendments to clause 2. The Question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.
2334 LS-3

Clause 3— (Amendment of Section 6)
SHRI RAMAVATAR SHASTRI
(Patna) : I beg to move :

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after line 14 insert—

Explanation: If any employed person desires to withdraw his authorisation letter to pay him the wages either by cheque or by crediting the amount in his bank account he can do so without any hindrance after giving in writing a letter to the employer."(4)

उपाध्यक्ष महोदय, मैं बहुत गौर से माननीय सदस्यों की बातों को सुनता रहा हूँ। मैंने भी धारा 3 में एक सशोधन दिया है। मैं इस बात का समर्थक हूँ कि अगर कोई मजदूर लिखकर अपने मालिक को दे कि मेरी तनख्वाह बैंक में जमा कर दो, या मुझे बैंक दे दो, तो उसकी तनख्वाह उसी के अनुसार दी जाये। इसमें कोई जोर जबरदस्ती नहीं है। माननीय सदस्य ने कहा है कि मजदूर पढ़े लिखे नहीं है, इसलिये वे लिखकर नहीं देंगे। मेरा निवेदन यह है कि अगर वे लिखकर नहीं देंगे तो उनकी तनख्वाह को मालिक जबरदस्ती बैंक के द्वारा कैसे देगा? अगर मूल कानून की धारा 6 को हटाकर यह व्यवस्था कि जाती, तो माननीय सदस्य का ऐतराज सम्मेलन में आ सकता था, अगर वह धारा जो अपनी जगह बरकरार है, जिसके अनुसार मजदूर को यह अधिकार है कि वह अपनी तनख्वाह नकद रुपया या नोट में ले। लेकिन अगर कोई मजदूर चाहे वह पढ़ा लिखा हो या अनपढ़ हो, चाहे कि उसकी तनख्वाह बैंक में जमा कर दी जाये या उसे बैंक दे दिया जाए, तो इस में क्या ऐतराज हो सकता है? जो लोग इस बारे में ऐतराज कर रहे हैं, वे सब अंग्रेजी दाँ हैं, वे मुझ से ज्यादा अंग्रेजी जानते हैं। लेकिन ऐसा लगता है कि वे अंग्रेजी का मतलब नहीं समझते हैं। अगर वह कानून हिन्दी में होता तो शायद श्री

[श्री रामाशरण शास्त्री]

घट्टाचार्य उसको न समझते लेकिन यह तो अंग्रेजी में लिखा हुआ है। इसमें यह प्रोवाइजों दिया गया है कि मजदूरों को यह प्रतिरिक्त अधिकार दिया जा रहा है। मान लीजिये कि अगर आज मजदूर मालिक को यह लिखकर दे दे कि मेरी तनखाह बैंक में जमा कर दी जाये या मुझे बैंक दे दिया जाये, लेकिन कल उसके मन में यह बात आये, कि उसे तुरन्त पैसों की जरूरत है, बैंक से पैसा निकालने में झंझट और देर होगी, इसलिये उसे कौश में तनखाह मिलनी चाहिये, तो मजदूर के पास यह अधिकार रहना चाहिये यह कहा जा सकता है कि इस प्रकार की परिस्थिति नहीं पैदा होगी। मेरे संशोधन का आशय यह है कि अगर मजदूर फिर लिखकर दे दे कि उसका वेतन बैंक के रूप में न दिया जाये, बल्कि नकद दिया जाये तो यह अधिकार उसके पास बिना किसी रुकावट के रहना चाहिये और उसी के अनुसार उसका वेतन उसको दिया जाना चाहिये।

श्री मोहम्मद इस्माइल (बैरकपुर):
उपाध्यक्ष महोदय, मेरा संशोधन इस प्रकार है :—

I beg to move:

Page 1,—

after line 14 insert—

“Explanation 1 If any employed person desires to withdraw his authorisation to pay him the wages either by cheque or by crediting the wages in his bank account he can do so after giving in writing a letter to the employer.” (2)

यह है मेरा अमेंडमेंट। मैं इसलिये इस को लाना चाहता हूँ कि अगर यह मान लें तो जो दिक्कतें माननीय सदस्यों ने अभी बताई हैं उन का हल निकल सकता है और हमने भी जो कुछ यहां कहा है वह भी

इस से पूरा हो सकता है। अगर वही तक हम देख रहे हैं, मिनिस्टर साहब भी एग्रीमेंट हैं, उन्होंने सिर्फ रीफरेंस दे दिया कि हमने ए आई टी यू सी से कंसल्ट किया है और मालूम नहीं कंसल्टेटिव कमेटी में उन्होंने बताया कि लाया गया था, लेकिन यह बिल्कुल गलत है, मैं भी मेम्बर हूँ कंसल्टेटिव कमेटी का, कभी नहीं यह क्लियर कट पालिसी वहां आई। मेरा स्टैंड रहा है कि ऐसे बिल जब आएंगे तो कंसल्टेटिव कमेटी में उनको लाया जाये और उस से पहले सेटल ट्रेड यूनियन लीडर्स को बुला कर डिस्कस किया जाये जो हमारी पुरानी पद्धति थी मगर वह सब जो डेमोक्रेटिक मेथड्स थे वह आज खत्म कर दिए गए हैं जिस के लिए आज पांडेय जी को भी यह बोलना पड़ा है, बैंक का विरोध किया है उन्होंने जो अग्रीमेंट दिया जाता है कि मनीलेंडर से बचाने के लिए ऐसा करना चाहिए। मनीलेंडर तो जंगल में भी खड़ा हो सकता है, बैंक में भी खड़ा हो सकता है, जहां उसे मिलना वहां खड़ा हो सकता है। वह रात के अन्धेरे में घर में जा कर खड़ा हो सकता है। मनीलेंडर इज मनीलेंडर डकैत इज डकैत वह तो जहां माल है वहीं जायगा। इसको रोकने के लिए अभी तक आप की तरफ से कोई सीरियस एटेंप्ट नहीं हुआ है। यह बोज गलत है। तो मेरा यही कहना है कि इस अमेंडमेंट को मान लें तो ये सब मामले तय हो जायेंगे।

SHRI RAGHUNATHA REDDY : Sir, there seems to be some misunderstanding about the position in law. We know that if an authorisation is given, it amounts to a consent being given by a party and the authorisation given by a person is entitled to be withdrawn. It is not as if a person had once authorised another person to act for him with respect to any act or any transaction, then he forfeits his right throughout his life and that he cannot withdraw it. This is a very elementary principle in law. I

do not think that hon. Members need have any apprehension about it. Any time any worker who had authorised the employer to pay if he does not want it, the employer is bound to pay him in kind or currency and if he does not pay, the provisions of law will apply.

MR. DEPUTY SPEAKER : I shall now put these amendments to the vote of the House.

Amendments Nos. 2 and 4 were put and negatived

MR. DEPUTY SPEAKER : The question is :

"That Clause 3 stand^d part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Amendment of Section 7.)

SHRI MOHAMMAD ISMAIL : I beg to move :

Page 1, lines 19 and 20—

Omit "or to such other Fund as the Central Government may, by notification in the Office Gazette, specify." (3)

SHRI RAMAVATAR SHASTRI : beg to move :

Page 1, lines 19 and 20—

for "or to such other Fund as the Central Government may, by notification in the Official Gazette, specify."

substitute

"National Defence Fund and Jawahar Lal Nehru Memorial Fund." (5)

अध्यक्ष महोदय, धारा 4 में यह बात कही गई है कि अगर कोई मजदूर मालिक को अधिकार पत्र दे दे कि उस की एक दिन की तनख्वाह या जितनी भी राशि वह मुनासिब समझे, प्रधानमंत्री कोष में दे दी जाये तो वह उस की तनख्वाह से ले कर दे दी जायगी। यही बात इस में कही गई है। यह भी कहा गया है कि अगर भविष्य में

कोई इस तरह का कोष आवेगा, उस के बारे में घोषणा की जायगी। यह बात तो सही है कि मजदूरों का या देशवासियों का यह राष्ट्रीय कर्तव्य होना चाहिए कि प्रधानमंत्री सहायता कोष में जरूरत पड़ने पर ज्यादा से ज्यादा धन राशि वे दें क्योंकि उन धनराशि का इस्तेमाल विपत्तियों के समय, चाहे वह प्राकृतिक हो या और किसी तरह की, किया जाना है। इसलिए इस तरह के कोष में दान देना, चन्दा देना, इसे मैं राष्ट्रीय कर्तव्य मानता हूँ लेकिन इनका बड़ा अधिकार मैं इसे कानून के जरिए सरकार को देने के पक्ष में नहीं हूँ। मैं समझता हूँ इसे सीमित किया जाना चाहिए। मैंने इसे सीमित किया है। प्रधानमंत्री राष्ट्रीय रिलीफ कोष के अलावा नेशनल डिफेन्स फंड (राष्ट्रीय सुरक्षा कोष) और पं० जवाहरलाल नेहरू जो हमारे देश के चोटी के नेता थे, जो बहुत दिनों तक प्रधानमंत्री रहे, देश को बनाने में उनका बहुत योगदान है हम आप सभी जानते हैं खास तौर से प्रगतिशील नीतियों को लागू करने में उन्होंने एक बड़ी भूमिका अदा की है और जवाहर लाल नेहरू मेमोरियल फंड के नाम से भी एक कोष है तो इन तीनों कोषों के लिए चन्दा देने की बात रहनी चाहिए। अगर मजदूर अपने मालिकों को अधिकार-पत्र लिख कर दे दे, आवश्यकता पड़ने पर इन तीनों कोषों में से किसी कोष में जो राशि हम दे रहे हैं वह जमा कर दी जाये तो उनका पैसा भेज दिया जाय यह बात उसमें रहनी चाहिए। तो मेरा सशोधन इसी बात के लिए है। अभी केवल एक कोष—प्रधानमंत्री राष्ट्रीय सहायता कोष की चर्चा है। उसके बाद आप राष्ट्रीय सुरक्षा कोष और जवाहर लाल नेहरू मेमोरियल फंड को भी जोड़ दीजिए। सरकार को इसे मान लेना चाहिए।

[श्री रामावतार शास्त्री]

आखिर बात यह है कि आप ऐच्छिक चन्दा देने की बात रख रहे हैं लेकिन जैसा कि श्री दीनेन भट्टाचार्य जी ने कहा हमने कहीं कहीं जोर जबरदस्ती भी होती है। ए आई टी यू सी को भी इस तरह की खबर मिली है। दिसम्बर के महीने में एन एफ रेलवे वर्कर्स यूनियन की कान्फ्रेंस में हम गौहाटी गए थे जहाँ लगभग सौ प्रतिनिधि सम्मेलन में मौजूद थे, उनमें से ज्यादातर लोगों ने शिकायत की कि जो लोग चन्दा देना नहीं चाहते हैं उनसे जबरदस्ती बसूला जा रहा है। अधिकारी उनमें जबरदस्ती बसूलते हैं और स्वयं जिन अफसरों को 50 रुपये देना चाहिए वे केवल 10 रुपये देते हैं। तो इस तरह की बाने जगह जगह होती हैं जिनको रोका जाना चाहिए। जब ऐच्छिक होगा तब जो चाहेगा वह दे देगा और जो नहीं चाहेगा वह नहीं देगा। जो लिखकर अधिकार पत्र दे दे उसके बेतन से आप हाट लें। तो मेरा सशोधन है कि सरकार तीनों फंड को इसमें रखे और जोर जबरदस्ती की जो बान होती है उसको भी रोके। मजदूर अपना राष्ट्रीय कर्तव्य समझकर आज तक चन्दा देते आ रहे हैं और आगे भी देंगे। कभी चीन का हमला हो या पाकिस्तान का हमला हो या कभी प्राकृतिक अथवा अन्य प्रकार की विपत्ति आये तो हर मीके पर मजदूरों ने खुशी से चन्दा दिया है जबकि पूँजीपतियों ने कभी नहीं दिया तो आप उनसे जबरदस्ती लीजिए और मजदूरों के लिए ऐच्छिक रखिए।

श्री महेश्वर इस्माइल : मेरा एक छोटा सा सशोधन है कि जहाँ P.M.'s National Relief Fund है उस के बाद मैं ने चाहता हू कि और कोई फंड न हो। मेरा सशोधन इस प्रकार है :

Page 1, lines 19 and 20,—

Omit "or to such other Fund as the Central Government may, by notification in the Official Gazette, specify"

अगर आप मेरे इस सशोधन को नहीं मानेंगे तो और कान्फ्रेंस पंदा होंगे। इसलिये मुझे उम्मीद है कि मंत्री जी इस मामूली से सशोधन का स्वीकार करेंगे।

SHRI RAGHUNATHA REDDY : The two amendments made by Shri Ismail and Shri Ramavarar Shastri are contradictory to each other and contrary to the purpose they have stated. Mr. Ismail wants to omit and Mr. Ramavatar Shastri wants to include so, they are contradictory to each other.

While I agree that Shri Shastri's objective is very commendable, I would humbly say that provisions are already there for gazette notification. With great respect, I say that they have been taken into account and necessary provision will be considered.

MR. DEPUTY SPEAKER : Now, I shall put the amendments Nos. 3 and 5 to the vote of the House.

Amendments Nos. 3 and 5 were put and negatived

MR. DEPUTY SPEAKER : The question is

"That Clause 4 stand part of the Bill."

The motion was adopted

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Enacting Formula

SHRI RAGHUNATHA REDDY : I beg to move :

Page 1, line 1,—

For "Twenty-Sixth"

substitute "Twenty-seventh" (6)

MR. DEPUTY-SPEAKER : The question is :

Page 1, line 1,

for "Twenty-Sixth"

substitute "Twenty-seventh" (6)

The motion was adopted.

MR. DEPUTY SPEAKER : The question is :

"That the Enacting Formula, as amended stand part of the Bill."

The motion was adopted.

The Enacting Formula as amended was added to the Bill.

The Title was added to the Bill.

SHRI RAGHUNATHA REDDY : I beg to move :

"That the Bill, as amended, be passed."

MR. DEPUTY SPEAKER : Motion moved:

"That the Bill, as amended, be passed."

SHRI S. M. BANERJEE (Kanpur) : The hon. Members who spoke from my Party have supported the Bill. We have seen that even without this amendment, whenever necessity arose because of external aggression or of internal disturbances or of natural calamity, the working class as a whole, stood like one man and contributed to the best of their capacity. Even this time, Defence employees contributed very generously and liberally and a sum of Rs. 25 lakhs was paid to the Prime Minister by the Defence Employees Federation.

Sir, I support the Bill. But while supporting, I would like to bring to the notice of the hon. Minister certain glaring injustices. I come from Kanpur and I know how Payment of Wages Act is being flouted day in and day out by the employers there.

Sir, it was brought to the notice of the hon. Minister by me and by the apex

body. Then there was the biggest employer in Kanpur, Jaipuria, the famous person who was searched recently; he has not paid 4 fortnightly wages to the workers numbering 9,000. You can imagine what is happening to those workers who have not been paid their earned wages for four fortnights. I do not know; every time this employer or his brother, Sitaram Jaipuria or Rajaram Jaipuria goes on flouting the orders of the State Government or the Central Government. I want to know why, in this particular case, this gentleman has not been prosecuted for violating the Payment of Wages Act. Not only this, Ram Ratan Gupta of Lakshmi Ratan Cotton Mills is not paying the employees for the last 12 months.

MR. DEPUTY-SPEAKER: You can send all these cases to the Minister.

SHRI DINEN BHATTACHARYA : He has become tired, sending them.

SHRI S. M. BANERJEE: I have been sending them and raising them inside the apex body, outside the apex body, inside Parliament and outside Parliament. I have tried many times. Let me say. Let me have the satisfaction.

MR. DEPUTY-SPEAKER: Then go on repeating.

SHRI S. M. BANERJEE: Nothing will come in the Press. Let me have the satisfaction of shouting at the employers. Lakshmi Ratan Cotton Mills is closed. They have not declared it as closed. They have not paid the wages for the last twelve months. You can imagine the condition of the workers. You cannot but pity them. They have sold their belongings and utensils. If they revolt against the mill-owners, if they *gherao* the mill-owners and if they demand the money by *gheraoing* them, the police will come in; and they have arrested the workers; hundreds of workers will be arrested. I am requesting the House and the hon. Minister to rise to the occasion and realize the gravity of

[Shri S. M. Banerjee]

the situation. A day is fast approaching when the workers of Kanpur—if these two mills are not taken over....(Interruptions)

MR. DEPUTY-SPEAKER: What about Jaykaylon?

SHRI S. M. BANERJEE: In regard to Jaykay-rayon, wages have been paid partially. It has been re-opened, but partially. But these workers, whether of Kanpur Jute Udyog or of Lakshmi Ratan Cotton Mills have not been paid their wages. They will revolt. Whether there is the MISA or the DIR, it will not be able to help the Government. The new Chief Minister has come. The Governor supported the whole thing. The new Chief Minister has now issued a statement, saying that the apex body's meeting will be held tomorrow or the day after. May I request the hon. Minister to rise to the occasion and help the workers? Otherwise, the line between hunger and anger is getting thinner and once it melts, it is going to be horrible.

श्री मोहम्मद इस्माइल (बैरकपुर):
उपाध्यक्ष महोदय, यहां पर यह कहा गया कि हम सी० आई० टी० यू० वाले इस को अपोज कर रहे हैं। हमारा कहना यह है कि हम इस बिल के जिस पोर्शन को अपोज कर रहे हैं, वह इसलिये कर रहे हैं कि हमारे सामने यह तजुर्बा है कि पैमेंट आफ वेजेज एक्ट के मुताबिक अगर आप एमेंडमेंट लाते जहां पर वर्कर्स को मालिक वेजेज नहीं देने, तो ठीक था अभी तक जो प्रोसीजर है उस में वर्कर्स को पैमेंट लेने में महीनों लग जाते हैं और कोर्ट में पैसा रिये-लाइज करने के लिये इस्पेक्टर की मार्फत जाना पड़ता है। महीनों नहीं बल्कि वर्षों लग जाते हैं और पैसा वसूल नहीं होता है। मैं आप को बताऊं कि मुदा जूट मिल के 7 हजार मजदूरों की वेजेज बाकी है और उन को हासिल करने के लिए कहा जाता

है कि कोर्ट में जाएं। इस्पेक्टर काहू को फुर्सत नहीं है और वे कुछ नहीं कर पाते। सात महीने हो गये हैं और बहाने मजदूरों को वेजेज नहीं मिले हैं। रीक होटल का भी इसी तरह का मामला है और ऐसे ही जो क्लोजर्स हुए हैं, वहां पर मजदूरों के वेजेज बाकी हैं। अगर आप इस तरह का कोई एमेंडमेंट लाते कि उन को वेजेज मिल जाते तो, हमें बड़ी खुशी होती। आप ऐसा एमेंडमेंट लाए हैं कि बाई चेक पैमेंट देंगे, तो जाहिर बात है जो कुछ हमें कहना है वह हम कहेंगे। जहां पर बुनियादी तौर पर वेजेज के पैमेंट में डिफिकल्टीज हो रही हैं और मुश्किलता सामने आ रही हैं, उस तरफ आप का ध्यान नहीं गया। उस तरफ आप का ध्यान जाना चाहिए।

दूसरे माननीय सदस्यों ने जो सुझाव दिये हैं और डाउट्स आप के सामने रखे हैं और हम ने भी अपने डाउट्स आप के सामने रखे हैं और जो हमारा एप्रिहेंशन है, उन तमाम बातों को सामने रख कर कम से कम आप अपनी मशीनरी से उस तरह का फंक्शन कराएं जिस से मालिकों को मीका न मिले और मजदूर जो इस के लिए अनविनिश है उन पर बाई कोर्स मालिक इस को लाम् न कर मके। ये तमाम बातें होनी चाहिए। इस बिल के बारे में मुझे मंत्री महोदय से यह कहना है कि जिम पोर्शन को हम अपोज करते हैं उसको अभी भी कर रहे हैं और आगे भी करते रहेंगे। जो सुझाव मैंने दिए हैं उस पर भी आप विचार करें, उनका भी आप प्रबन्ध करें, यही मैं आप से चाहता हूँ और यही मेरी आप से प्रार्थना है।

SHRI RAGHUNATHA REDDY: With regard to the points raised by Shri S. M. Banerjee, I would respectfully state that I will find out the latest position from the Government of Uttar Pradesh and also take up these issues with the Labour Ministry concerned, and I hope I would be able to succeed in contacting them before the apex body meeting.

With regard to the speech of Shri Ismail, there is nothing new in what he has stated. He mentioned whatever he wanted to say during the general discussion. Therefore, there is nothing more to say with regard to his speech.

I have no doubt in my mind that in course of time Shri Ismail and Shri Dinan Bhattacharyya would realise that the provisions of this Bill are meant for the welfare of the trade union workers and that these provisions have worked very well.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13.46 hrs.

STATUTORY RESOLUTION RE. DIS- APPROVAL OF PAYMENT OF BONUS (AMENDMENT) ORDINANCE

AND

PAYMENT OF BONUS (AMEND- MENT) BILL

MR. DEPUTY-SPEAKER: We now take up the Statutory Resolution by Shri Indrajit Gupta, seeking to disapprove the Payment of Bonus (Amendment) Ordinance, 1975, and also the motion by Shri Raghunatha Reddy to consider the Bill further to amend the Payment of Bonus Act.

SHRI S. M. BANERJEE (Kanpur): We are extremely happy that the father of the 8.33 per cent formula, Shri Khosla, is present here. I hope he will take part in the deliberations.

SHRI INDRAJIT GUPTA: I move:

"This House disapproves of the Payment of Bonus (Amendment) Ordinance, 1975 (Ordinance No. 11 of 1975) promulgated by the President on the 25th September, 1975."

Exactly three months almost to the day after the promulgation of the emergency, the gains which the working class of this country had achieved in the field of bonus not suddenly but over a period of 25 years are sought to be demolished. It took a long period, a quarter of a century, to evolve this concept of bonus. I do not propose to go into that history because I have neither the time, nor Members will be particularly interested in it. It took a quarter of a century of arguments, of discussion, of persuasion of awards by tribunals and High Courts, of struggle by the working class to arrive at a certain position. But, precisely three months after the imposition of emergency all these gains of a quarter of a century were sought to be demolished at one stroke of President Ahmed's pen.

I call this a *coup d'etat* against the working class. The emergency of the 26th June was promulgated perhaps in order to forestall a possible *coup d'etat* by certain rightists and reactionary forces, who were out to destabilise this country. But what happened on the 25th of September was a *coup d'etat* against the organised working class of this country. I am speaking with a sense of bitterness, and I hope you will pardon me, Sir. I think that no better help could have been given, although unwittingly it be, by the Government of this country to precisely those rightist and reactionary forces, who so far had failed completely to mobilise the support of the working class of this country behind their designs.

This is one of the outstanding facts of the political developments of the last two years, that when the movement led by Mr. Jaya Prakash Narain was at its height and desperate attempts were made by him and his allies to bring the working class out in support of that total revolution over the country as a whole the working class refused to respond. When the call for a three day Bihar *bandh* was given by Mr. Jaya Prakash Narain, and he ma

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special appeal to the workers on the railways, the working class of Jamshedpur, of Raigarh, of the collieries—not a single worker anywhere was willing to come out and support that move. This has to be remembered.

The international experience of the fight and struggle against Fascism, which I hope at least this Minister is well aware of because he is a well-read person I know, is precisely that it is the organised working class which is the staunchest fighter against Fascism, the staunchest defender of democracy, and it is precisely the organised working class which is the first victim of Fascism in those countries where Fascism triumphs. This has to be remembered.

But what happened here? Three months after the emergency was proclaimed, a sudden attack was made on this working class itself. A bonus for the workers was replaced by a bonus given to the right reactionary forces. This is something they had never expected, something which gives them a handle, an instrument, a weapon to go and spread disaffection and discontent among the workers and try to win over a section of them. If this is not a bonus, what is it? This is a bonus given to the enemies of the country.

This Government is very fond of talking always about the 1974 railway workers' strike. In any case, the railway workers are irrelevant to the question of bonus, they have never had anything to do with bonus, nor were they within the scope of bonus. But they do not recollect what the working class has done by way of hard work and by way of patriotic duty. Or do they? The Prime Minister I find here and there no doubt does it. The other day in some meeting of the INTUC she paid a tribute to the fact that the workers had stood solidly in the interests of the country whenever there was an hour of crisis. But sometimes it

seems to me that these tributes stink of hypocrisy. This is not the reward that the working class should get for the service it has rendered and is continuing to render.

Throughout the capitalist world you will find, if you study the developments going on now in the USA or Britain or any of the other countries like Japan, France and Italy, it is the common cry of all capitalists in these countries that for the sake of fighting inflation and high prices, the workers' wages must be in some way frozen or curbed or restricted, their benefits should be cut down, their bonus should be slashed. This is nothing new. This is the international slogan of monopoly capital.

And who are these monopoly capitalists? They all belong to the same tribe. It does not matter in which country they are. Some are stronger than others, some are weaker, that is a fact but basically they all belong to the same tribe, the same blood flows in their veins. These monopoly capitalists are the greatest robbers of national wealth, there is no doubt. There is plenty of evidence coming out every day in our own country to prove it.

Our Industries Minister, Shri T.A. Pai, of all people, has been compelled in recent weeks to make several public statements and speeches where he has openly accused monopoly capitalists of sabotaging production in this country. He has said point blank that it is these people who go on howling for concessions from Governments, but the more concessions they are given, the more miserable performance they put up because they are interested in profits, they are not interested in production.

In order to maintain a high rate of profit, they are deliberately keeping production down; they are keeping their installed capacity unutilized to the extent of 50 per cent, as Mr. Pai has said. These are people who wanted this bonus to be removed. Politically, they are the strongest supporters of

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right reaction also. They are all looking like doves after the emergency. But we know what role they have played just before the emergency—they and the newspapers owned by them.

We do not want that our working class should be sacrificed at the altar of the people who are fundamentally the enemies of this country. I must make a passing reference to the fact that a grave apprehension has arisen in my mind that these groups of big monopoly capitalists, big businessmen, who can hardly be defended today by anybody in this country, are now being permitted, perhaps even encouraged, to enter into negotiations which are continuing since yesterday here in Delhi with the representatives of their counter-parts in the United States. This Indo-US Business Council, as it is called, is meeting here since yesterday. These private monopoly capitalists led by Harish Mahindra are sitting across a table there with the big shots of the American industry, and the subject matter of discussion is how to strengthen their co-operation and collaboration. You must have noticed today the kind of remarks, I should say really arrogant and insolent remarks that were made at the opening session of this Council by the leader of the United States Delegation Mr. Orville Freeman. This travelling salesman of the multi-national corporations has the gumption to come here and sitting in the Capital of our country, he is ridiculing all sentiments of national sovereignty and national dignity. He said that the charges made against the multi-national corporations were wrapped in the emotionalism of national sovereignty. He said that the movement towards world economy triggered by multi-national corporations seems to be the best hope for the future, as though the Prime Minister herself does not know—she has mentioned it several times—that these multi-national corporations are one of the main conduit pipes through which the Central Intelligence Agency and other subversive

agencies are penetrating into so many countries. But here Mr. Freeman is talking about—I quote :—

“The restrictions at national boundaries on the movement of resources and capital must be eliminated. The only way to a safe and peaceful world is an open world, with free investment, free trade and free movement of people and ideas and resources.”

Of course, if a country like India removes all restrictions on national boundaries it will suit Mr. Freeman and his friends and these giant multi-national corporations. I am apprehensive that even these things are permitted to continue, apart from the fact that it shows the most deplorable lack of vigilance, I should say in this hour of emergency. But if these things are allowed to continue, then I can visualise many more attacks coming on the rights of the working class. This is the first thing that these people will demand as the price for their co-operation here, collaboration here that the working-class must be curbed. No multinational corporation functioning in this country wants to pay a minimum bonus, a guaranteed bonus, any more than Mr. Harish Mahindra or Mr. Tata or Mr. Birla wants to pay. But these are powerful forces controlling international capital now demanding “Give up your bogus emotional ideas of national sovereignty, open your national barriers, give us the free entry into your country.” This is the discussion going on here in Delhi under our very nose. Therefore, I want to give a slight warning that these things should not be seen as something which is totally irrelevant to what we are discussing here. Bonus may be one particular instance. But behind the taking away of the rights of the working class, there is this tremendous pressure of monopoly capital, both domestic and foreign. I want the Government that if they show the slightest weakness in this direction—Emergency

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will not last for ever; at least I do not think so—the working class will find its own way and its own norms, methods and forms to register its protest. Today, they may not be in a position to do it. But I can tell you how bitter the working class is.

Let the Labour Minister go down and talk to some ordinary workers in any part of the country. Let him find out what this Ordinance has done to them, how they are reacting, how they are feeling, how they speak about the Government and how they speak about Emergency. Is this an achievement that you wanted to bring about? If the country is threatened again and menaced by external forces, who is going to save you? Mr. Tata and Mr. Birla? Are you depending on them to save the country or do you depend on the working class of this country who have already stood up with you in the hour of crisis? And this is what you do to them. Unnecessarily, you are provoking them unnecessarily, you are making them hostile. Do you expect us to support a thing like this? We cannot support it. Apart from the issue of bonus, it is politically a completely wrong step being taken. They must understand that.

I forgot to mention one thing. These antics of Mr. Orville Freeman come in the background of a warning which you must have heard and which was given by Mr. Kissinger to all the countries of the third world saying, "If you want our help or aid, don't think it is going to be unconditional. It all depends on what kind of attitude you take to the United States, whether you are prepared to cooperate with us, play ball with us. If you do not do that, we cannot help you." In this background comes Mr. Orville Freeman suggesting, no national boundaries, no national sovereignty; give up all this emotional talk; open your doors wide open for the entry of multi-national corporations. What is this going on? It is an open, not con-

cealed, attack by imperialism, by the most powerful imperialist forces in the world today. I am not going to allow the working class to be sacrificed, first and foremost, at the altar of this monster.

Now, let me curb myself for a moment. This concept of bonus, firstly, as a profit sharing device; later on, as a deferred wage and, again, later on, as a guaranteed minimum irrespective of profit or loss, as I said, was evolved over a long period of 25 years. Are we trying to demolish it by one stroke of the pen? The way in which it is being demolished is also thoroughly repugnant and obnoxious. It is something unprecedented. On no major labour policy question ever in this country has a step like this been taken without having at least some round-table discussion, some consultation with the people who are affected. Here, the central trade union organisations were never consulted. No discussion was held with them. This national apex body which was set up after Emergency was never consulted, never told about it. Even the INTUC one of whose central leaders is sitting here, Mr. Stephen, and which is the trade union organisation of the ruling party was never told about it. Is this a manner of doing these things? Is this the way of persuading the working class to accept anything or to enlist any support? The whole thing is obnoxious and repugnant to the worst degree. That is why I called it a *coup d'état*. It is done behind the workers' backs, behind the backs of the trade union organisations in a conspiratorial way. It is not simply a question—as some people seem to think, judging from their comments—of reducing the minimum bonus from 8.33% to 4% this year. Even this 4% is applicable only to this year: from next year there will be no minimum bonus at all—neither 8.33% nor 4% nor even 4%; it is applicable only to this year and from next year this whole concept of minimum guaranteed bonus is wiped out and no bonus whatsoever will

be payable unless, in the worlds of the law some "allocable surplus" is there. Let me tell you, from bitter experience, that the allocable surplus will never be found. In 95% cases of companies, with the formula which has been devised for calculating the allocable surplus, that allocable surplus never emerges. From the balance-sheets of the companies we have found that, for the last so many years, no allocable surplus ever comes out. However large profits a company may get, your formula is such, the development rebate and this and that is calculated in such a way that no surplus emerges as the share of the workers. And this is precisely the reason. Everybody knows, though they may not admit it publicly that the balance-sheets of the companies are fraudulent, in spite of being audited. We all know what is auditing in this country. It is precisely because of that and it is precisely because the Government also knows that under this formula in a majority of cases no allocable surplus will be found that, in the Payment of Bonus Act they provided for a minimum guaranteed bonus irrespective of profit or loss. Secondly, they have provided in the Act that if the employers and employees, in any case, come to a mutual collective agreement voluntarily for a higher quantum of bonus than is payable under the formula, they have a right to make such an agreement. We did not draft this Bill; it was made by the Government. Why did they do it? Why did they provide these two things? Whether the minimum guaranteed bonus is 4% or 8.33% is not relevant now. The author of this 8.33% is sitting here and it was first called the Khadikar formula. I know many people are angry with him but, anyway, we respect him for that. And let me remind you that this 8.33% agreement or rather a sort of understanding that it would be 8.33% was signed by Shri Naval Tata, Shri Devarajulu, a big industrial magnate of South India, Shri G. Ramanujam of the INTUC and Shri Tidke, the Labour Minister of Maharashtra. Shri R. K. Khadikar's announ-

cement to the press regarding the enhancement of bonus from 4% to 8.33% was made as an announcement from the Prime Minister. Who is to blame? Why did they do it? It was done precisely because all of them, including Naval Tata and Devarajulu know in their heart of hearts that the audited balance-sheets of these companies do not represent the true position. There are concealed profits; there is concealed income; there is evasion of taxes; there is diversion of funds—and these things can never be caught from the audited balance-sheets. And because they knew that and because they knew that, the formula under the Act will not produce allocable surplus, to save their guilty conscience they agreed to this thing and said 'all right', let them have a minimum bonus every year, profit or no profit; and, secondly, in a particular concern which may have a higher profit and a larger capacity to pay, if the employer is willing to come to an agreement with the employees, let them have the right to come to such an agreement. This way they wanted to get over this difficulty. If anybody wants to argue with me that the balance-sheets cannot be questioned and all that please go into the Public Accounts Committee's latest report about the Grindlays Bank. It was presented to the Lok Sabha on 22nd January by its Chairman, Shri H. J. Mukerjee, the 192nd Report. Read that PAC Report and see how an eminent foreign bank like the Grindlays Bank cooks its accounts and cooks its accounts in such a way that its real extent of profits and its reserves are never disclosed. The PAC has some stringent things to say about this from this point of view that, as a result of this cooking, Government has lost a huge amount in taxes which it should have got. But foreign banks like Grindlays, under the new Ordinance, have been specifically excluded from the scope of paying bonus under this Act. All banks, the whole banking industry have been excluded. An industry which makes the highest profits is protected in the sense that

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it does not have to disclose its secret reserves and secret profits. All the banks have been excluded. I am not talking in the air when I say that there was powerful pressure from certain forces, and the Government unfortunately, has given way.

May I just mention, in passing, that the net profits of the foreign banks operating in this country, which have now been excluded completely from the scope of this Payment of Bonus Act, in 1970, was Rs. 2.63 crores and in 1974 it was Rs. 6.30 crores. Their deposits, in the same period, went up from Rs. 491 crores to Rs. 768 crores. The source of these figures is a journal called *Socialist India* which I think many people in the ruling party are aware of. I hope, they read it also sometimes. But this class of establishments is completely exempted now from the Payment of Bonus Act.

Then, certain arguments are brought. When I ask them as to why did Government do this in the years past, one reply we are given sometimes is, 'Oh! It was a mistake; we made a mistake; now we realise that we made a mistake'. Even the Prime Minister told us, 'We made a mistake'. What is that mistake? Please spell it out for me. This is not a new thing. I was wrong in describing Mr. Khadilkar as the father of this. He was certainly not the father, because this concept of minimum bonus, irrespective of profit or loss was born long long ago, more than 20 years ago, and if any body was its father originally, let me say this that it was the Textile Labour Association of Ahmedabad. It is not a very revolutionary or red-coloured organisation, I think. The Textile Labour Association, also known in trade union circles as the Mazdoor Mahajan Sangh, founded by Mahatma Gandhi himself, has been flourishing under such leaders as Shri Gulzarilal Nanda, Shri Khandubhai Desai and so on. It is a Union which was born

on the basis of class collaboration, which taught the workers that class struggle was wrong, the family consisted of employers and employees, they constituted one happy family. No strike ever takes place there. It is a thoroughly respectable, peaceful, law-abiding and peace-abiding Union. It was this Textile Labour Association of Ahmedabad that, 20 years ago, entered into a five-year bonus pact with the millowners of Ahmedabad, and that went on for ten years eventually. This is a representation made by that organisation to the Government of India—I am not saying something out of my own mind :

"The quantum of bonus under this Pact varied from minimum 4.8 per cent to maximum 25 per cent of the wages earned by the employee. Even the employers of the concerns which might have made losses have to pay at least a minimum of 4.8 per cent bonus."

This was the agreement entered into by the Ahmedabad millowners with the Mazdoor Mahajan Sangh 20 years ago. The concept was there. I don't want to go through the whole history, how it went on developing until we came to the Bonus Commission appointed by this Government. That Bonus Commission was unanimous in its recommendation that a minimum bonus of four per cent should be paid irrespective of profit or loss. Did that Bonus Commission consist only of trade unionists? It had employers' representatives on it. They also signed that report. Employees were there. Independent members were there such as Dr. Ganguli, Director of the Delhi School of Economics and Shri M. Govinda Reddy. This Ahmedabad Textile Labour Association has this to say about it :

"In view of this unanimous recommendation, it cannot be said that well known economists like Dr. Ganguli had erred in giving assent to

this recommendation and especially is agreeing to the recommendation of minimum bonus in case of loss. Similarly, the employers representatives have also consented to the recommendation of minimum bonus even in case of loss. Therefore, the consideration of the economists together with the employers should not be easily discarded or disregarded."

What was the mistake made? Do not tell me that after all these years, the Government is wiser than the employers themselves were. After all, the money was coming out of the employers' pocket. They signed this report; they agreed to this concept. What is the mistake that has been made, I do not know.

This Bonus Review Committee was set up again. I want to ask the Labour Minister, where is the report of the Committee? Why has it not seen the light of the day and why has it not been placed before this Parliament? That Bonus Review Committee's report was submitted to Government long ago. May be that it is not a unanimous report; there are different views and the Parliament of India is not entitled to have it laid on the Table of the House. We want to know, what the Members of this Bonus Review Committee had to say about the concept of minimum bonus. I can say that they differed on many points, but on this idea of the concept of a minimum guaranteed bonus, irrespective of profit and loss, the Bonus Review Committee also upholds that concept and perhaps that is why, the Government has not produced it up to date, because this ordinance seeks to do away with the very foundation of that concept. Is that the way we are to be treated? Working class is not a herd of cattle, I can tell you, that you do whatever you like to them and then expect them to go on increasing production, while the employers will be satisfied with saving this money of bonus and go on sabotaging production. A wonderful way of saving the country, I must say.

Then the second argument given is that it is necessary as an anti-inflationary measure; this bonus money going into the pocket of the workers is playing havoc with prices and all the rest. What is the use of arguing these things; these are so obvious to anybody. The Finance Minister came forward with a statement at that time and said that 250 crores of rupees roughly is the amount which is disbursed as bonus payments every year. I do not accept this figure for a minute; that is a different matter. My own information is that the figure is somewhere near Rs. 80-90 crores, not more than that. However, Shri Subramaniam said that it was Rs. 250 crores. This year, half of that may be saved because four percent had to be paid this year. From next year, it would not be paid. That is a different matter. If half of Rs. 250 crores, accepting his figure as correct, which I do not accept, that is Rs. 125 crores will go to the workers, Rs. 125 crores will remain in the pocket of the employers and inflation will be countered. I have never heard a more bogus argument than this in my life. Thousands of crores of rupees are being lost by evasion of income-tax, by operation of black money, by all kinds of speculation, etc. and subsidising of the private sector is going on by making public sector units to work at a loss by pricing their products below cost of production order to help the private sector. All this is going on and the poor worker's bonus is to be cut so that inflation can be fought. Besides, they have now found, but I do not know, whether they will admit, that by reducing the purchasing power of the working class something else has also happened. In Bengal at least during the last Durga Puja—that is the time when the bonus is given—we saw what happened this year in all the shops, bazars and markets in those industrial areas. The shopkeepers were just sitting holding their heads. What about them? Are they not part of the community? There was not off-take at all; the workers had not the bonus money to buy cloth, or sweets for their

[Shri Indrajit Gupta]

children or anything. And the whole problem then arose and now stocks are lying unsold. Stocks have accumulated and if you go on like this, cutting your nose to spite your face, then the opposite result will also follow. If you simply rely on reducing the purchasing capacity of the working man without increasing production, then you land yourself in another crisis and that is now taking place. Production is stagnant, demand for goods falls, stocks pile up and then in the name of stocks piling up, again the poor workers are told, 'You must be laid off or retrenched or there must be closure' or something like that. So, I get it both ways, because my bonus is cut in the name of fighting inflation. Then when I have no money in my pocket to go to the market and buy goods, I am told that the stocks are piling up, therefore, production cannot be maintained and therefore, 'now you must be laid off or retrenched in the interests of the country'. Wonderful, wonderful! This is nothing new. It is happening in all the big capitalist countries. Why do you follow in their footsteps? It is happening in Britain. It is happening in America. The same arguments are being repeated and unemployment is going up in Britain where there are now over 1.5 million unemployed walking in the streets.

Then comes another argument. This one is a very favourite one, if I may be allowed to say so, with the Prime Minister. So many times she had admonished us, 'Show me any other country which pays bonus like this. Other countries do not pay bonus like this. Why should we pay bonus like this?' But are you prepared to make a deal with the working class that everything that happens in every other country, we should also do? I am prepared to enter into a deal. What are the countries you are talking about? Please do not talk about the socialist countries for the time being, because our system is

different and everything is different. We are not there as yet. Take the other capitalist countries based on the private sector. Is it not a fact that in other countries of the West every year there is a negotiated increase in wages, an annual wage increase? Do we have it in this country? Please introduce it here. I will give up my demand for bonus. Does any other country have a thing like Dearness Allowance which we have? Tell me. Since the Second World War, a second category called 'Dearness Allowance' has been added on to the basic wages and kept separate. It is not merged with the basic wage. It is kept as a separate entity so that it can be made to fluctuate. Sometimes, when the cost of living index figures go up, then the DA goes up and when the cost of living comes down, the DA will come down. It is kept as a separate fluctuating entity. In which other country is there such a concept as 'Dearness Allowance'? There, the wage is taken as a whole. It is one integrated amount and that amount is increased every year through collective bargaining. It is never done in this country. I do not think our country can afford to pay the kind of high wages which are paid in the capitalist countries. Naturally, therefore, there was a concept of deferred wage just because of these facts and that was the ground on which bonus was given by so many awards, so many agreements and so many High Court judgments.

These arguments really have no value whatsoever. Then I would like to know. I am concluding. Why do you deprive employers and employees in any particular concern from coming to a mutual agreement on a higher quantum? Will you please explain this? No employer gives more than what is necessary unless he had the money to pay. They are not fools. So many companies, big companies which have plenty of resources have collective agreements with their employees—some 3 year agreements, some 5 year agreements for 15% or 20% bonus. Why? Because they are

able to pay not for any other reason and this was permitted under the Act...*(Interruptions)* You do not want more money but you want it in the hands of employers?

SHRI VASANT SATHE (Akola): There is no inflation there.

SHRI INDRAJIT GUPTA : Nobody has explained to us yet that the money which will be saved from the pockets of the workers will not remain in the pockets of the employers. How will the Government ensure that that money will be spent for productive purposes? Is there any machinery, is there any mechanism, any procedure in this country? You cannot think of it! It is transfer of the money from the pocket of the workers to the pocket of the employers. I know and Mr. Raghunatha Reddy knows that many of the employers in this country who have the resources to pay are thoroughly unhappy over the deletion of this clause because they have this much commonsense to understand that if their workers are happy and kept contented, then their production and business will flourish. From a commonsense point of view they were perfectly willing to continue to enter into agreement. But now they told the workers what are we to do, you go and ask Indira Gandhi, she has tied our hands, we cannot do anything now.

I can tell you, even in the public sector, a concern like the Shipping Corporation of India which this year has shown a record profit in its balance sheet and which for the last three years by an agreement has been paying its employees 20%, that is the maximum allowed under this Ordinance is expected to pay 4% this year whereas its profit has gone upto nearly Rs. 4 crores. I know the Chairman of the Corporation. I hope, he will not get into trouble because I am saying this that he is unhappy about it. He says, "How can I face the employees? On the one hand I have shown record profits, on the other hand I am not allowed to pay them bonus. This has come down to 4%. This will spoil industrial relations in this con-

cern." But the Finance Ministry is there like the all powerful Shivam—"nothing doing". What kind of policy is this?

I have already spoken about the banks.

In the Hindustan Machines Tools Ltd., the same kind of thing is taking place. These are important public sector undertakings. Only those who are in a position to pay would pay, the others would not pay. Now it is said, do not worry, the bonus will be linked not with profits but with production. May I ask in an industry with which I am familiar, that is why I am quoting it, big industry—the Jute Industry in West Bengal, what will happen to the workers? They cannot get any bonus on the basis of profits because these employers never show any profits. It is wonderful. It is a magic with which they work. They never make profits if you look to the balance sheet. Where is the black money of the jute mill-owners going, nobody knows? The workers cannot get bonus on the basis of profits. They cannot also get bonus on the basis of production, because the whole industrial policy is to keep production down. They wanted to curtail production by 15%, the other day, which Government did not allow them to do. If I am a jute worker, I will not get bonus now either on profit or on production. A guaranteed minimum was assured to them under the previous Act, but now you are just throwing them to the wolves. All this will bring about unhappy consequence one day. I do not want to sound a warning. It is difficult for us to go to them. I am not trying to explain your action at all; so, do not worry about it. But it is difficult to answer this question which they ask us—you told us this emergency was in order to save the country from reactionary forces, but we find it is being used against us. What is the reply to it? I cannot give any reply. Strangely enough, on the other hand there is no restriction whatsoever on the issue of bonus shares by the companies! At least make a pretence of some kind of even handed justice—the same period

[Shri Indrajit Gupta]

when the workers' bonus was cut after the emergency, the Government went on giving one concession after another to these big concerns. In July, 1975 they issued an Order, whereby they said, "Total amount of bonus shares issued by a Company can be equal to the total amount of its paid-up capital." Whatever is its total paid-up capital, the amount equal to that can be issued as a bonus share. Again in November, 1975 another Directive was issued saying that between two successive issues of bonus shares by a company the time lag which was previously 40 months has now been reduced to 24 months. Within 24 months they can issue bonus shares twice and upto the value of their total paid up capital. Why should we be blamed when we accuse this Government of making one-sided concession to private business? As the Minister knows very well, these are the people who have defaulted on the workers provident fund to the tune of Rs. 28 crores. In very polite language, I have to say, defaulted, otherwise, they have actually stolen this money. Instead of putting it in the workers' provident fund according to the law they have actually stolen it and not a single one is put in prison for that. This is your wonderful emergency. And yet, Sir, the Reserve Bank Survey's latest figure shows that in regard to the total value added by manufacture as a whole the share of the workers has been going down proportionately. This is known to the Minister. The Reserve Bank has made this survey and said this. Regarding value added on manufacture, the proportionate share of workers' wages and earnings has been doing down in actual terms and deliberately false and misleading reports are being put out in the country in order to alienate public opinion against the workers. When it comes to production, please remember, it is the working class on whom production depends. The hon. Minister should be grateful to them for keeping the production and transport system going in the way they have done these things. He

should be grateful that they stood foursquare against JP Narayan's movement. But you forget everything! You are shielding these private sector tycoons whom even your Industries Minister castigated the other day openly. You are working the emergency up side down, on its head, in this way. That is why you are alienating the working class and you are prepared to hand them over to the Jan Sangh and all these gentlemen. Your Bonus Ordinance and the present Bill are clear expressions of class policy, naked class policy, in favour of the capitalists, the big monopolist. I will conclude by quoting what the General Secretary of the All India Trade Union Congress Comrade S.A. Dange has said. What is this Ordinance? It is, I quote :

"A blow against democracy, a gift to monopoly capital and a bonus to right reaction."

With these words I conclude and I commend my Resolution of Disapproval to the House for its acceptance.

MR. DEPUTY-SPEAKER :

Resolution moved :

"This House disapproves of the Payment of Bonus (Amendment) Ordinance, 1975 (Ordinance No. 11 of 1975) promulgated by the President on the 25th September, 1975."

The Hon. Minister.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY) : I beg to move :

"That the Bill further to amend the Payment of Bonus Act, 1965, as passed by Rajya Sabha, be taken into consideration."

While moving this Bill I wish to submit that I strongly oppose the Resolution moved by Mr. Indrajit Gupta. I have no doubt in my mind that if you listen to me you will come to the conclusion that this Bill has been moved with sincerity of purpose and

with the complete understanding of the economic causes and various developments in the country and the necessity to follow up the particular economic policy of which this bonus Bill is only a small part.

Sir, the Payment of Bonus (Amendment) Bill, 1976 which seeks to repeal and replace the Payment of Bonus (Amendment) Ordinance, 1975, and which is now before this House has been passed by the Rajya Sabha. In the Bill as introduced in the Rajya Sabha, there was a provision, as in the Ordinance issued on the 25th September, 1975, that where any employer had already paid to his employees in respect of the accounting year commencing on any day in the year 1974 a minimum bonus in excess of 4 per cent notwithstanding that such employer did not have the required allocable surplus, then such employer shall deduct the excess amount of bonus from the bonus payable in respect of the three immediately succeeding accounting years. In order to avoid hardships to workers an amendment moved in the Rajya Sabha for deletion of the above provisions was accepted by Government and it is no longer there in the Bill now before this honourable House. In other respects, the Bill closely follows the Ordinance with slight modification of clarificatory nature to clearly state the intention behind the provisions of the Bill so that there is no room for any wrong understanding.

The Payment of Bonus (Amendment) Ordinance, to which I have referred was promulgated on the 25th September 1975 and certain changes were made in the provisions of the principal Act. These changes are wellknown to the honourable Members. However, with your kind leave, I would like to take a few minutes to explain some of the changes so that the matters are placed in their proper context and perspective.

Workers' right to a share in the profits of the concern they serve in, is an unassail-

ble right. Production and productivity incentives are equally wellrecognised principles and are related directly to the effective participation of workers in the production processes and contribution made by them to production and productivity. Keeping in view these principles as guidelines, the bonus, in the Bonus Ordinance as well as in the proposed Bill before the House, is sought to be related to profit or alternatively to production and productivity.

It may be recalled that the Bonus Commission of 1964, discussed in its Report the concept of bonus in India. The Commission was of the view that :

"It is difficult to define concept of bonus in rigid terms, but it is possible to urge that once profit exceeded a certain base, labour should legitimately have a share in them. In other words, we think it proper to construe the concept of bonus as sharing by the workers in the prosperity of the concerns in which they are employed. This has also the advantage that in the case of low paid workers such sharing in prosperity augments their earnings and so helps to bridge the gap between the actual wage and the needbased wage".

This statement is sufficient to emphasise the profit-sharing character of bonus. The concept was not embodied in the Payment of Bonus Act, 1965; it was left to be gathered from its provisions. In the course of arguments in their case for fixation of car prices, the manufacturers urged that the minimum bonus should be reckoned as an element of cost since it was payable statutorily even in case of loss. The Supreme Court did not accept this contention as would be evident from the judgement in the case of Premier Automobiles Ltd. and another vs. the Union of India. According to the judgement :

"Section 10 of the Bonus Act at first sight may appear to be a provision

(Shri Raghunatha Reddy)

for granting additional wage to employees but that section is an integral part of a scheme for payment of bonus at rates which do not widely fluctuate from year to year. This Act has thus provided that bonus in a given year shall not exceed one-fifth and shall not be less than 1/25th of the total earning of an employee. It has been ensured that the excess share shall be carried forward to the next year and that the amount paid by way of minimum bonus not absorbed by the available profits shall be carried to the next year and shall be set off against the profits of the succeeding year. The object of the Bonus Act is to make an equitable distribution of the surplus profits of the establishment with a view to maintain peace and harmony between the three agencies (capital, management and labour which contribute to the earning of profits. The Commission came to the correct conclusion that the bonus is connected with profits and it cannot be included in the ex-works cost."

This principle laid down by the Supreme Court would clearly show that the Commission came to the correct conclusion that the bonus is connected with the profits.

The Supreme Court accepted this proposition that bonus is connected with profits and it has nothing to do with the loss that a concern makes. In other words, conversely unless a concern makes a profit, the theory of bonus does not arise at all. In other words, the foundation for the concept of bonus is the profit *sine qua non* and not otherwise. Unless this principle is properly appreciated, I am afraid we may lose our perspective and enter into a different realm of argument

and thinking in this respect. In spite of the decision of the Supreme Court, certain quarters continue to regard bonus as a kind of deferred wage. It has now been clarified that bonus is a payment linked either to profit of a concern or alternatively to the contribution by the workers to production productivity.

As hon. members are well aware, while schemes of profit-sharing of a varying nature are in vogue in various countries of the world, the basic postulate of such schemes is that there must be profit to be shared. We are not aware of any country, whether following the capitalist path or a socialist economic order where concerns not making profit are required by law to give a profit-sharing bonus to their workers.

SHRI INDERJIT GUPTA: Why did you do it? Why did you make that law?

SHRI RAGHUNATH REDDY: The basic foundation on which the doctrine of bonus rests is profit. Out of this, the principle of profit-sharing is derived. In the absence of a profit, the concept of profit-sharing loses its validity. Even in India, till the enactment of the Payment of Bonus Act of 1965, the bonus formula which had emerged as a result of decisions of industrial tribunals and the Supreme Court stipulated that if there was no surplus there was no question of paying bonus either. Thus the two basic socio-economic principles that govern the concept of bonus are, firstly, profit-sharing and, secondly, production and productivity.

The formula for computation of bonus based on profits is provided in the Act itself. According to the amendment proposed to sec. 10 of the principal Act even if a small allocable surplus is available, the amount being even as little as a paise, the employer shall be bound to pay to every employee a minimum bonus equal to 4 per cent of the salary or wage. This is a very salutary principle that has been

included in the present legislation so that on the basis of the roll-on-principle, even if a company has made one naya paisa as profit, in such an year the company is bound to pay 4 per cent minimum....

SHRI N. SREEKANTAN NAIR (Quilon)
 Is it profit or allocable surplus ?

SHRI RAGHUNATHA REDDY : I am coming to that. When we say 4 per cent minimum basis even in case one naya paisa is declared as surplus it is based on a very sound principle that in one year the company may make a profit and in another it may make a loss, but we take into account a four year period so that the profit and loss can be balanced and in such a balanced situation, even if a company makes even one naya paisa surplus, the workers are bound to get 4 per cent minimum bonus. This is a principle which cannot be assailed on any principle of economic theory.

SHRI DINEN BHATTACHARYA (Serampore) How will you divide one naya paisa ?

SHRI RAGHUNATH REDDY : The surplus for this purpose has to be calculated taking into account set-on or set-off, as the case may be, on a roll-on basis. This has been illustrated in the Third Schedule. The alternative to profit sharing is bonus linked to production and productivity. This principle also cannot be assailed on any ground.

In order to keep parity by way of maximum amount of bonus linked to profit-sharing or production or productivity, the ceiling of 20 per cent has been made applicable in both the cases. Beyond these two well-recognised socio-economic basic principles, there can hardly be any other rational basis in spite of all our intellectual exercises in regard to this matter.

Hence sec. 34 of the principal Act is proposed to be amended giving over-riding effect to the provisions of the Act.

One might ask, as Shri Indrajit Gupta did, why sec. 34(3) which was in the parent Act, had been taken away. I would like to submit that when a company makes a profit, it is a profit that belongs to the community as such, not merely to the shareholders, workers or management. The profit that a company makes is a social product and it belongs to the community and a part of it must be invested for purposes of development in industry and also in order to provide greater employment.

If this profit is made available only to those workers, there will be no surplus to be invested for the purpose of economic development and unemployment would continue unabated. Only certain sections of organised industrial workers will have the benefit and this is a negation of the principle of social transformation in this country.

I am glad to tell the House that keeping in view the interest of the weaker sections of the workers, the minimum amount of bonus is proposed to be raised to Rs. 60/- in the case of employees who have not completed 15 years of age and Rs. 100 in the case of others as against Rs. 25 and Rs. 40 under the principal Act. Furthermore as regards the minimum bonus for the accounting year commencing on any day in the year 1974, an amount equal to four per cent would be payable irrespective of the fact whether there is allocable surplus or not.

Coming to the coverage of the Act, it may be recalled that prior to the amendment the Act was applicable only to factories and other establishments in which 20 or more persons were employed on any day during an accounting year. There had been a persistent demand for a wider coverage to bring in the smaller establishments. The hon. Members would be glad to know that the Bill provides that the appropriate Government may by notification in the Gazette bring within the pro-

[Shri Raghunatha Reddy]

visions of the original Act establishments employing 10 to 19 persons also. This would enable a very large number of workers, till now excluded, to get the benefit of this law.

I do not want to reply to the debate that had been raised by my good friend Shri Indrajit Gupta who did it so ably; still I should like to refer to his arguments about the purchasing power of the people and the stagnation in relation to market conditions. Suppose that only certain classes of people or a group of people in this country have the benefits of profit-sharing their income would go up. Even then, because of the wrong distribution of income in this country, quite a large section of the people are deprived of the purchasing power. The necessary conditions, if you want to call it like that or the conditions of stagnation or market crisis would continue because of complete lack of purchasing power of vast masses of people. This aspect also will have to be kept in mind when we deal with this question.

Hon. Members are aware that section 32 has excluded employees of insurance companies carrying on general insurance business and employees of the Life Insurance Corporation of India and financial institutions like the Reserve Bank of India and certain other corporations were also excluded. The 14 major banks of the country were however nationalised after the principal Act was passed. There was hardly any rationale for treating banks in any way different from insurance and other financial institutions. With regard to banks however the Government have decided that ex-gratia payment in lieu of bonus can be made; this would be determined from time to time taking into account wage levels, financial circumstances, etc. in each case payment being subject to a maximum of 10 per cent. While I should not like to burden the hon. Member

with minute details, I would be failing in my duty if I do not explain important changes proposed to be made in the computation of gross profits to safeguard the workers' interests. In the past deductions of various kinds were made under the heading 'subsidy'. It has now been clarified by an amendment or item 6(g) in the first schedule corresponding to the second schedule in the principal Act that what is to be deducted is cash subsidy, if any given by the government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes. Unless the subsidy comes within the ambit I had mentioned no other subsidy will be allowed for the purpose of calculating the allocable surplus, as a deduction. This is a substantial benefit that would accrue to the working class. Previously some employers used to resort to the practice of deducting subsidy of a national type and thus bring down the quantum of allocable surplus available for distribution. It is sought to prevent such a practice.

Representations were received that some employers had debited huge amounts by way of notional liability of gratuity to the expenditure in a particular year thus wiping out the available surplus and depriving workers of their bonus. I vividly recollect what my friend Shri Ramesh Bhai Verma used to raise this point in the Consultative Committee meetings and in fact he had given me one balance sheet in which this aspect had been resorted to that the gratuity that has not been actually paid on a notional basis is likely to be paid in future and that used to be deducted on the notional basis from the deductible expenditure as far as allocable surplus is concerned and in this way the workers used to be deprived of substantial portion of benefit. It has now been made clear that any amount

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deducted in excess of that actually paid will be an add-back item in the computation of gross profits. If any gratuity is deducted on a notional basis then to the extent of deduction it would be added-back for the purpose of calculating the surplus that is available according to the scheme.

Both these changes are expected to guard against unfair devices used to reduce the amount of surplus and consequently the bonus payable to workers. Coming back to the basic principles behind the Bill may I invite the kind attention of the Hon. Members of this House to the overriding economic circumstances—both national and international which compelled the Government to evolve a rational basis for bonus. As the Hon'ble Members are well aware, over the years, ours has been a shortage-ridden high cost economy in which savings and investments have been declining. With little scope for plough back of funds or generation of new resources, there has been hardly any scope for accelerating the growth of the economy to provide jobs to the unemployed. Our high cost structure has been weakening our competitive strength in foreign markets. Unless measures are taken now to remedy this, the prospects of future cannot be bright. In fact the working class may itself be the first victim of high cost economy. Through control of money supply, drive against economic offences and emphasis on the essential sectors and utilisation of capacity, we have been successful in the battle against inflation. For the gains to be durable the war against inflation-potential, stagnation and unemployment has to be carried on relentlessly and won.

The basic questions that we have to face are : how to invest more and to produce more, how to reduce our costs and prices and how to expand economy and provide more employment. Uneconomic units would only add to problems of unemployment rather than solving them. The

changes made in the law have to be appreciated in this socio-economic context.

Now, these are the very basic propositions in the economic theory in the context of highly developed country. But we are not dealing with the situation of a developed country. There people may be suffering from affluence not knowing what to do with their profits. But here it is the question of not only resource mobilisation but, if I may use the expression, 'social investment'. I would use this expression in place of resource mobilisation because resource mobilisation cannot convey the same meaning and content as a phrase like social investment would convey and therefore I would like to use the phrase 'social investment' in place of resource mobilisation. Uneconomic units will only add to the problems of unemployment rather than solving them. The changes made in the law have to be appreciated in the socio-economic context.

I would humbly appeal, Sir, with great respect to the hon. Members to appreciate various provisions of this Bill in the context of socio-economic perspective and support this Bill. With these words, Sir, I beg leave to move this motion.

Mr. DEPUTY-SPEAKER: Motion moved:
"That the Bill further to amend the Payment of Bonus Act, 1965, as passed by Rajya Sabha, be taken into consideration."

SHRI C. K. CHANDRAPPA (Telli-cherry): I beg to move:

That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select Committee consisting of 14 members, namely:—Shri S. M. Banerjee, Shri Dinen Bhattacharyya, Smt. Roza Vidyadhar Deshpande, Shri K. R. Ganesh, Shri Indrajit Gupta, Shri Krishnan Mancharam, Shri Saroj Mukherjee, Shri Vayalar Ravi, Shri K. V. Raghunatha Reddy, Shri Vasant Sathe, Shri Shriharilal, Shri Rama

[Shri C. K. Chandrappan]

vatar Shastri, Shri K. P. Unnikrishnan, and Shri C. K. Chandrappan, with instructions to report by the 1st April, 1976. (1)

SHRI DINEN BHATTACHARYYA (Serampore): I beg to move:

That the Bill further to amend the Payment of Bonus Act, 1965, be referred to a Select Committee consisting of 14 members namely:—Shri S. M. Banerjee, Shri Tridib Chaudhuri, Shri M. C. Daga, Shri Dinesh Joarde, Shri Hukam Chand Kachwai, Shri Madhu Limaye, Shri Prasannbhai Mehta, Shri Mohammad Ismail, Shri H. N. Mukherjee, Shri Noorul Huda, Shri Era Sezhiyan, Shri Digvijaya Narain Singh, Shri K. V. Raghunatha Reddy, and Shri Dinan Bhattacharyya, with instructions to report by the 5th April, 1976. (2)

I have heard Mr. Raghunatha Reddy who has enunciated rather a new philosophy so far as our economic development is concerned. Sir, I am rather amazed how the Labour Minister was trying to convince the House that by not paying bonus he will bring about social justice in the country.

14.55 hrs.

[SHRI VASANT SATHE *in the Chair.*]

He says by that method, he will help our economy to be developed, unemployment problem to be solved and what not! But I say that this Payment of Bonus (Amendment) Ordinance promulgated by the President was the first major act of this Government, after the proclamation of emergency, which convinced the workers of all affiliations regarding the real purpose behind the proclamation of the emergency. I am glad that our AITUC friends have at least now realised what hoax and stunt this government is playing day in and day out. They are now convinced that this government is really helping the monopolists and big capitalists by denying payment of bonus, which the workers earned by a long process of struggle

against the employers and the policies of the government. It is rather a good service done by the government. Otherwise, the workers would not be in a position to know the real motive behind the emergency and the real class character of this government. This is a government of big bourgeois and big landlords. They are also trying their best again to see that the big monopolists of the USA and other imperialist countries come here and loot this country. They have taken the first step to open the flood gates by assuring the foreign monopolists, "You come here. We have crushed the movement so long carried by the working class for their wage increase or realisation of their just demands." This is nothing but inviting the monopolists, both foreign and indigenous, to invest more money in the private sector. Prior to this ordinance, at least organisations like INTUC, AITUC and the pro-government wing of FMS were happy to join hands with the government in the peck bodies at central level. But the ordinance evoked strong resentment even among the ranks of those organisations and they came out on the streets protesting against the ordinance. All the trade unions, including the INTUC have opposed the ordinance. Irrespective of their political affiliations, all trade union organisations having connection with the workers are voicing their protest against this ordinance as well as this Bill. I do not know whether the INTUC members of Parliament due to the party pressure will be able to speak their views frankly in this House. If they are unable to speak their mind, I understand the difficulties. Because they expressed their opposition to the provisions of this Bill in various ways, though not as clearly as the opposition trade unions have done.

15 hrs.

Before issuing the ordinance, the Government have taken strong measures on the question of payment of bonus. All the public sector undertakings were given

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directive that they should not enter into negotiations with the unions on the question of bonus. All the press censoring authorities were given directive that no news relating to the bonus of workers or the campaign on the question of bonus should be given any publicity. All this was done to bring about this Ordinance. The Bill should have been called the payment of nil Bonus Bill because you have primarily rejected the basic concept of bonus advocated by all the trade unions and even the judicial authorities that bonus is the deferred wage to meet the gap between the existing low wages and the living wage. Thus, since the labour Appellate Tribunal formula in early 30s and the bonus commission Report, this principle was accepted. Now whatever gains the trade union movement achieved during the two and a half decade have been washed out by a stroke. of pen that signed the presidential Ordinance and the Government now wants to perpetuate this by introducing the Bill, and help the monopolists directly. Only this year, I can say that at least Rs. 250 crores have been saved by the employers. I do not know how Mr. Reddy has got the illusion that this 250 crores that has been saved by the monopolists, is being spent for the purpose that he has just now stated, i.e. for the good of our country. They won't do anything. All the money has been swallowed by big monopolists.

The Bonus Review Committee constituted by the Government came to the conclusion that the workers claim of higher bonus over and above 4 per cent was fully justified in view of the financial position of the companies. This conclusion was based on Reserve Bank study conducted by Dr. Sethi who pointed out after studying the balance sheets of joint stock companies for five years that the wage cost as a percentage of total cost of production has shown decline during the period of five years under study. The Bonus Review Committee in its interim Report made a clear-cut observation that even after paying

8-1/3 per cent minimum bonus the total wage cost would be still lower than five years ago in relation to the total cost of production.

Now the Bill goes back from the earlier commitment which was accepted by the Cabinet and which came to be known as famous Khadiolkar formula. After enunciating this formula, Mr. Khadiolkar had to leave his labour portfolio and was given health portfolio and from there he had to go because he had advocated the cause of working class so far as the payment of minimum bonus is concerned. So, there is nothing to be astonished at if Mr. Raghunatha Reddy now ventures to come forward and say that the Government wants to pursue the concept of minimum bonus that was there, I think he will have to vacate his post also. So, he is so much vociferous and placing and spreading a new definition of bonus. First of all, he must remember; he perhaps does not know the history of the bonus movement. Mr. Indrajit Gupta has stated that for the last 25 years—and more than that, I know—just after the Second World War when the textile magnates amassed huge wealth and made huge profits, the workers on their own raised their voice saying that they must be given bonus and a share in the profit. Thereafter, how did the judiciary treat the question of bonus. They treated it as if it was an *ex-gratia* payment. The workers boldly stated that they did not want anything *ex-gratia*. They said: "It is our right; you raise our level of wages and give a need-based minimum wage. Thereafter you can say that it is a profit-sharing bonus. Unless you raise the level of our wage which is below the subsistence level in many cases, you cannot say that the bonus is something which is to be tagged on to production." So the Bonus Commission had recommended a minimum bonus of 8-33% irrespective of profit or loss, because the Commission had come

[Shri Dinan Bhattacharyya]

to the conclusion that despite the non-availability of a declared surplus, the companies were in a position to pay the minimum quantum of bonus to the workers. But now this principle has been given up. This will lead to companies manufacturing fictitious balance-sheets, showing loss in the companies' accounts and doing away with the bonus of the workers. These who have shown profits will now show losses during 1975; and can easily manage to do so. Therefore, I characterize this bill as the "Payment of Nil Bonus Bill". Sir, this Bill gives a free gift of—I have already stated—a minimum of Rs. 250 crores, this year. Near about 2,50,000 workers are employed in the jute industry. Last year, i.e. during 1974, they got 8.33% as bonus. This year they got only 4%. Thus, 4.33% has been saved—saved for whom? Saved not even for the development of the industry, because it is now reported daily in the papers that the jute mill owners are facing a serious crisis and that they are not in a position to keep their factories running. That is the position, even after injecting a big amount. The employers have the capacity to swallow the whole amount and come forward to the Government for further concessions. The Government is so magnanimous in their case that only the other day they got the concession by the withdrawal of the export duty on carpet-packing and other jute products. Now these employers are raising pleas, so that more concessions and more help can be given to them from the financial institutions that are under the direct control of the Government of India as well as of the State Governments. Sir, the concept of allocable surplus is one of the biggest faults in company accounting methods. The employers, who have acquired know-how for fabricating the balance sheets with the purpose of cheating the Government by paying less tax and cheating the workers by paying less bonus, have been successfully defrauding the

public exchequer and the workers to the extent of crores of rupees. Instead of fighting against the unscrupulous employers for preparing fraudulent balance-sheets, you are giving them an opportunity to deprive the workers of their rightful claim by way of bonus.

The concept of linking bonus to production and productivity has no relation to the concept of bonus, as it has been evolved in this country, and about which Shri Indrajit Gupta has very ably put forward his points. At the present level of productivity, the working class have got every right to claim higher bonus and increase in the wages. But the Government is denying this right to the working class and allowing the employers to swell their profitability. For higher production there are incentive schemes. Productivity bonus has nothing to do with the payment of bonus based on profit or loss. This new concept is only another concession to the employers and an additional workload on the employees, which will add to their exploitation. We, therefore, will oppose every measure that will link bonus with productivity.

In this connection, I must refer to three or four cases which I am personally aware of as a trade unionist. As I have already mentioned, for the last ten years the workers of the Dunlop factory, a multinational company, were getting 20 per cent bonus in the month of January. This year, taking advantage of this Ordinance, the employers have taken a very peculiar stand. They say that they would not pay any bonus until their calculation is complete. Nobody knows when it will be completed. While every year they used to pay 20 per cent in the month of January, this year they are trying to avoid that payment. Shri Indrajit Gupta has referred to the Shipping Corporation. I will refer to the Scindia Steamship Company. Under the agreement, the employees engaged by this shipping company were entitled to get

a bonus of 76 per cent. This year the management said "nothing doing; we will pay only 20 per cent". When the workers demanded more, the Secretary of the Union in Bombay was suspended. Afterwards, the police came and took him to jail. He is still in detention under MISA.

I have already mentioned that in regard to provident fund accumulations no step has been taken so far. Many companies did not pay even the minimum of 8.33 per cent bonus. Yet, no penal measures were taken against the defaulting companies.

Why are you standing in the way of collective bargaining between employers and employees, whatever agreement they may come to on the payment of bonus? You have only accepted the amendment that for 1973-74 whatever might have been paid, nothing will be deducted, but for the future, if any union is successful in making a company pay some more bonus, which may not be on the basis of this formula, why do you stand in the way? Why don't you allow them to have a peaceful collective bargaining which will help production? Instead of that, you are bringing forward a measure which will unnecessarily create agitation among the workers and ultimately affect production.

So, my humble suggestion to you is: don't kindly sermonise, be truthful and straight forward and accept categorically that this is a retrograde step. This is a stunt that the Government is making under the leadership of Shrimati Indira Gandhi, a nice philosophy to create division between the rural people and the working class in the town areas. This is the tactics that you are very cleverly adopting. I would humbly request you to withdraw this Bill so that the workers may get justice as before.

श्री रामसिंह भाई (इंदौर) : श्रीमान् मैं इस बिल का हृदय से समर्थन करने के

लिये खड़ा हुआ हूँ, केवल एक पार्टी के सदस्य के नाते नहीं। जिस विद्यापीठ के अन्दर मैंने श्रम संगठन का पाठ पढ़ा है और मेरे गुरु महात्मा गांधी जी ने जो पढ़ाया है, मैं सब छोड़ सकता हूँ लेकिन उस नीति को नहीं छोड़ सकता। सदन के अन्दर जो बिल आया है उसका समर्थन मैं इसलिए कर रहा हूँ कि कहीं इन दिनों राजनीति में मैं भटक न जाऊँ। अभी हमारे साथी गुप्ता जी ने बात की। मैंने ग्रहमदावाद मजूर महाजन में मजदूर आन्दोलन का पाठ पढ़ा, सीखा, गांधीजी के साथ, नन्दा जी के साथ काम किया, खण्डूभाई, वसावड़ा जी के साथ काम किया, जब उनका आदेश हुआ, जहाँ उन्होंने भेजा वहाँ चला गया वोनस का सवाल आज से नहीं 1917 से चला आ रहा है। जब से यह सवाल पैदा हुआ उसका मुझे ज्ञान है, उससे मैं अज्ञान नहीं हूँ। तबसे आज के दिन तक मैं देखता रहा कि यह वोनस मजदूर इंडस्ट्री के लिए कितना लाभदायक और नुकसानदायक है—यह बात अलग है लेकिन एक बात जरूर है कि वोनस का सवाल मजदूर नेताओं के लिए सिरदर्द रहा है। 1920 में भी यह सिरदर्द पब्लिक के सामने आया था जब मिल मालिक खूब मुनाफा कमाते थे दीवाली के दिनों में दो-दो रुपया मजदूरों को दे देते थे, और मजदूर उनकी जय घोष कर ले लेते थे। शंकरलाल भाई ने जो गांधी जी के साथी थे उन्होंने जो हालत है गांधी जी से कही। गांधी जी ने कहा कि यह बहुत गलत है, यह तो मजदूर मालिकों की भीख और दया पर जी रहे हैं, ऐसा नहीं होना चाहिए। होना यह चाहिए कि वर्ष के नफा नुकसान को देखकर उसके आधार पर वोनस मिलना चाहिए। क्या प्राफिट ऐंड लास हुआ है उसके आधार पर वोनस मांगना और देना चाहिए।

श्रीमान्, यह सवाल 1920 के वोनस के बारे में पैदा हुआ। उस वक़्त सेठ मंगलदास

[श्री रामसिंह भार्गव]

मिल मालिक भी तैयार नहीं हुए। गांधी जी जो मजदूरों के पंच वे ने अपना एक फैसला दिया और जो फैसला दिया वह मेरे पास है। गांधी जी जो मजदूरों का नेतृत्व भी करते थे और उन के पंच वे, उन्होंने जो अपना फैसला दिया उस में उन्होंने लिखा है

“जिस जिस समय मिले अच्छा मुनाफा करें ऐसे समय पर मुनाफे में से मजदूरों को बोनस के तौर पर एक अच्छा हिस्सा देना चाहिये। और जैसे समय जाता जाय उस में सुधार किया जाना चाहिये। किन्तु उद्योग को जग भी आच न आने देते हुए इस सिद्धान्त का पालन किया जाना चाहिये।”

गांधी जी ने कहा है कि जब मिल कारखाने मुनाफा करते हैं तो उस में से हिस्सा मजदूरों को मिलना चाहिये। और जैसे समय जाता है ऐसे उस में तरक्की होनी चाहिये। लेकिन एक सिद्धान्त ध्यान में रखना चाहिये कि ऐसा करने में उद्योग को जरा भी आच नहीं आनी चाहिये। हम नहीं चाहेंगे कि उद्योग की हालत गिरे और मजदूरों को खुश किया जाय। गांधी जी ने एक बात बनाई कि यह मिल मालिक जो अफगंतफरी करने हैं उन्हें यह ज्ञान होना चाहिये कि ऐसा वे नहीं कर पाये। लेकिन इस का मतलब यह नहीं है कि उन कारणों को लेकर तुम उद्योग को नुकसान पहुंचाओ। हिन्दू धर्म में जो गाय का स्थान है आज के समाज में वह उद्योगों का स्थान है। इसलिए मजदूरों को सावधान रहना चाहिये। इस सिद्धान्त को हम मानते हैं। और मिल मालिक गांधी जी के फैसले को मानने के लिये तैयार नहीं हुए। उस वक्त आबिट्रेशन का सवाल आया कि कोई सरपंच होना चाहिये उस के लिये भी मिल मालिक तैयार नहीं हुए। शकर लाल भार्गव सेठ मंगल

दास के घर गवे और मंगल दास सेठ को लेकर लाल भार्गव सज्जाते हैं कि पंच वेन कोहन मालवीय जी आयें हुए हैं उन्हें सरपंच बना दिया जाये। मंगल दास जी मिल बोर्डर्स असोसियेशन के प्रेसीडेंट थे, कहते हैं कि गांधी जी बनिया और मैं भी बनिया, हिसाब किताब के मामले में मालवीय जी क्या सम्झें। उस विवाद को ले कर गांधी जी का फैसला न मानने के कारण गांधी जी की सलाह से 1921 में अहमदाबाद के मजदूरों ने बोनस के सवाल को लेकर हड़ताल की कि जब मिलों को मुनाफा है तो उस में से प्रीफिट शेयरिंग होना चाहिये। उम वक्त मदन मोहन मालवीय जी को सरपंच माना और गांधी जी ने जो फैसला दिया था वह और सेठ मंगल दास का फैसला, पंच वेन मोहन मालवीय जी के पास जाता है और उन्होंने दोनों को मुन कर 28-10-1921 को अपना फैसला दिया। मैं तो अयेजी नहीं पढ़ा हू, लेकिन इन को सम्झाने के लिय मुझे थोड़ी मेहनत करनी होगी। उम में पंच वेन मालवीय जी ने लिखा है

“I am clearly of opinion that when a mill has made handsome profits the workmen who have by their faithful co-operation enabled the mill to earn such profits should as an ordinary rule be given at the end of each year a bonus equal to one month's salary.”

आज हम कोई यह समझाये कि गांधी जी की बात को छोड़ दो, मालवीय जी की बात को छोड़ दो और तुम हमारे साथ चलो तो हम आवां के अंधे नहीं हैं। हम रास्ता पता है और हम उस रास्ते पर जा रहे हैं। हम प्रधान मंत्री और पार्टी के आदेश से कुछ नहीं कर रहे हैं। जो हम ने सीखा है उस को लेकर मजदूर सगठन चला रहे हैं, और उसी आधार पर कह रहे हैं।

में निवेदन करना चाहता हूँ कि बोनस के बाद तो समय ऐसा आया कि हिन्दुस्तान में कहीं बोनस ही नहीं मिला, और बोनस के बजाय मजदूरों के बोनस से कटौतियाँ हुई। अहमदाबाद में हुए, बम्बई में हुए और सारे देश में हुए और उस को ले कर बम्बई के अन्दर 1928 में 6 महीने की हड़ताल चली और 1929 में भी वहाँ 6 महीने की हड़ताल चली और पूँजीपतियों ने 11 मजदूरों की बहुत बुरी दशा कर दी। द्वितीय युद्ध जब शुरू हुआ, तो 1941 में बोनस की माँग की गई और वह बोनस बराबर सारे हिन्दुस्तान में जहाँ जो ले सकते थे, उन्होंने लिया। बम्बई के मजदूरों ने लिया, अहमदाबाद के मजदूरों ने लिया लेकिन मार्क्सवादी वाले बंगाल में जूट के मजदूरों को नहीं मिला और कोल माइन में भी बोनस नहीं मिला। श्रीमन्, यह विवाद कब पैदा हुआ। 1949 के बोनस का यह सवाल पैदा हुआ। पहले बोनस जो दिया जाता था। बम्बई, अहमदाबाद और बड़े सेंट्रलों में एक केन्द्र की सारी टैक्सटाइल इंडस्ट्री का मुनाफा जोड़ कर और सभी मुनाफे में से केलकुलेशन कर के सभी मिलों, कारखानों के मजदूरों को बराबर बराबर बोनस दिया जाता था। 1949 का यह मामला इंडस्ट्रियल कोर्ट, बम्बई में गया और बम्बई इंडस्ट्रियल कोर्ट ने 1950 में यह फैसला किया कि जिन मिलों को नुकसान हुआ है उन मिलों के केस पर अलग से विचार किया जाएगा। इसलिए 1949 का बम्बई के 3 मिलों के मजदूरों को बोनस नहीं मिला। इसी तरह से अहमदाबाद के मामले में भी 1949 के बोनस का ऐसा ही फैसला दिया गया। इस का नतीजा यह हुआ कि बम्बई के तीन मिलों और अहमदाबाद के 10 मिलों की अपील के तौर पर यह मामला लेबर एपेलेट ट्रिब्यूनल में गया और लेबर एपेलेट ट्रिब्यूनल ने जो फैसला इंडस्ट्रियल कोर्ट ने दिया था, उस को बहाल रखा। लेबर एपेलेट ट्रिब्यूनल ने बोनस का एक फारमूला भी ईजाद किया कि बोनस कब

दिया जा सकता है। कोई भी मिल प्रोफिट करता है तो प्रोफिट करने के बाद उस में से कमीशन निकाल देने के बाद, डेप्रीसिये डेवलपमेंट रिबेट, टैक्सेशन और डिबीटेंस निकालने के बाद, ये चार, पाँच चीजें निकालने के बाद जो बाकी बचेगा, उस में से बोनस दिया जाएगा। उस मय यह एपेलेट ट्रिब्यूनल का फारमूला इतना प्रसिद्ध हो गया कि उस के विरुद्ध बम्बई में दो महीने की हड़ताल भी हुई और 1950 में जो यह हड़ताल हुई उसका नेतृत्व श्री जय प्रकाश नारायण जी ने किया। उस वक्त मुझे अच्छी तरह से याद है कि नासिक कांग्रेस के अन्दर पंडित जी के पास उन के दूत आए थे, मैं भी वहाँ पर बैठा हुआ था, और उन्होंने कहा था कि इस हड़ताल के मामले को निपटा लेना चाहिए पंडित जी ने साफ कहा था कि देखिये, बोनस देने का एक तरीका होता है और इस का यह मतलब नहीं है कि आप ने मुझे कह दिया और मैं वैसा ही कर दूँ, उन्हीं का कहना था कि उस का तरीका यह है कि एपेलेट ट्रिब्यूनल के फैसले के अनुसार बोनस दिया जाएगा। श्रीमन्, 1949 के बोनस के बाद से बोनस जैमी चीज गायब ही हो गई और यह मामला सुप्रीम कोर्ट में भी गया था।

मैं यहाँ एक निवेदन और करना चाहता हूँ कि मेरे सारे प्रान्त में एक बात थी कि हम बिना पढे लिखे मजदूर हैं और वॉलेस-शीट को कुछ नहीं समझते लेकिन हम यह जानते हैं कि सुबह से शाम तक कारखाने में 8 घण्टे काम किया है और 8 घण्टे में कितना काम किया है और हम जितना ज्यादा काम करेंगे, उस का मुआविजा हमें मिलना चाहिए। मैं यह बताना चाहता हूँ कि कोई साल मेरे प्रदेश में ऐसा नहीं गया जिस साल में मजदूरों को बोनस न मिला हो, प्रति साल 4.8 बोनस लेते रहे इतना ही नहीं, 1960 में मैं ने एक एप्रीमेंट किया था कि अभी तक जो 15 दिन का बोझ है हो लेकिन 1960 से बोनस एक महीने का दिया

[श्री रामसिंह भार्गव]

जाएगा और यह समझोता प्राइवेट सेक्टर में ही नहीं किया था बल्कि पब्लिक सेक्टर में भी किया था और नेशनल न्यूक्लियर सेक्टर मिल के अन्दर भी एक महीने का बोनस दिया जाता रहा, लेकिन एक बात हमारे सामने यह रही है कि हम मेहनत करे और हमने जो प्रोडक्शन किया, उस के अनुसार हमें बोनस मिला। मंत्री महोदय ने अभी बताया कि प्रोडक्शन और प्रोडक्टिविटी के साथ बोनस को लिंक करेंगे। मैं खुश हूँ। क्यों न ऐसा किया जाए? मेरी लिखी हुई यह पुस्तिका है और बेज बोर्ड के सामने रखे गये मेरे यहाँ के प्रोडक्शन के बारे में ये फिगर हैं। प्रोडक्शन से जो बोनस मिल सकता है, जितनी बेजिज मिल सकती है, वह मैं आपके सामने रखना चाहता हूँ। चार परसेंट, आठ परसेंट सोलह परसेंट, कितना मिल सकता है यह मैं आपके सामने रखना चाहता हूँ। आपने 103 मिले, कपड़ा मिले ली है, उनको हमने आपको सीप दिया है, अब उनका चलना मुश्किल हो रहा है। लोग जो मर गये हैं, उनकी प्रेजिडेंसी नहीं मिल रही है, उनका प्राइवेट मंड नहीं मिल रहा है (ईंटरप्रेन्स) युनाइटेड इंडिया मिल में क्या हो रहा है—

श्रीमती रोबा ईशवाडे (बम्बई मध्य)
नब्बे लाख रुपया खा गए हैं।

श्री राम सिंह भार्गव : आप नब्बे लाख की बात करती हैं, मैं तो सोलह करोड़ की बात कर रहा हूँ जिस का मिनना मुश्किल हो रहा है।

मैं बता रहा था कि मेरे यहाँ इंदौर में सभी मिलों को मिला कर 1948 में पर हैड 5591 गज कपड़ा पैदा होता था। जितने वहाँ कंपेंड कारखाने हैं के और उनमें जितने

मंडकूर हैं, वे जितना कपड़ा तैयार करते हैं, उसकी अगर टिबॉइड किया जाए तो 1948 में 5593 गज कपड़ा उन्होंने तैयार किया, 1949 में 5600 गज, 1957 में 9404 गज और इसी तरह से यह बढ़ता गया। कहने का मतलब यह है कि मेरे यहाँ प्रति सप्ताह प्रोडक्शन दस मिलों के अन्दर सतर परसेंट मजदूरों ने बढ़ाया। अब आप बोनस देने से कैसे मना कर सकते हैं। किन्तु मजदूर काम करने के लिए तैयार हैं लेकिन उनको नींदर काम करने दे तब ना। सब से बड़ी परेशानी तो यही है।

अहमदाबाद में जो पंचवर्षीय—समझोता 1955 के अन्दर हुआ वह किस आधार पर हुआ? इसी आधार पर हुआ। वहाँ पर राशनलाइजेशन किया, नई मशीनें आई, उनका प्रोडक्शन और प्रोडक्टिविटी बढ़ी। मिल मालिक वहाँ वे इतने भले नहीं है कि अपनी जेब में से निकाल कर दे दें। वे तभी देते हैं जब उनको चार पैसे मिलते हैं तब वे समझते हैं कि चार पैसे में से—दो जाते हैं लेकिन फिर भी दो तो बचते हैं, तब ही देते हैं। अहमदाबाद के मिल मालिक कोई इतने भले नहीं हैं। अहमदाबाद के माननीय सदस्य बैठे हुए हैं, वह यकी उनकी तारीफ करने हैं। उनमें से एक केन्द्र का हिसाब मैं आपके सामने रखना चाहता हूँ —

सभापति महोदय आपने मनरह मिनट ले लिए हैं। आप और कितना बोलेंगे।

श्री राम सिंह भार्गव : पंद्रह बीस मिनट और।

सभापति महोदय यह कैमेरो सकता है।

श्री राम सिंह भार्गव : अगर मेरी बोर्ड ऐसी बात हो जो जचती न हो तब तो आप मुझे कहें।

मैं एक निवेदन करना चाहता हूँ। हम ट्रेड यूनियन वर्कर्स को वहाँ पर जिस बात पर जोर देने की जरूरत है वह यह है कि जो साहसी कदम सरकार ने उठाया है उस कदम का लाभ हम मजदूरों और देश को बराबर दिला सके कहीं ऐसा न हो कि पूँजीपति उसका लाभ उठा ले जाएँ। दरअसल मैं बोनस क्या था? खाडिलकर फार्मुला जो आया वह कहाँ से आया? कौन लाया? कौन से विदलीय सम्मेलन में इसकी चर्चा हुई? क्या बोनस कमिशन ने इसकी सिफारिश की? मजदूर नेताओं ने बैठ कर निर्णय किया? कैबिनेट ने निर्णय किया? जब अचानक खाडिलकर फार्मुला आया तो मुझे आश्चर्य हुआ कि न गाज न वाज, यह बिना मौसम की बरसात वहाँ से आ गई। मैं प्राइम मिनिस्टर से मिला और पूछा कि खाडिलकर फार्मुला क्या है? उस वक्त उन्होंने मेरे से कहा था कि यह बड़ी गलती हुई है, भूल हुई है। उसके बाद भी जब 8.33 परसेंट के अध्यादेश का मसाला आया तो भी मैं प्राइम मिनिस्टर से मिला और कहा कि कम-से-कम मजदूर नेताओं से तो इस सम्बन्ध में बात करनी चाहिये थी। उन्होंने कहा कि मजदूर नेताओं से बात की है, उसके बाद ही यह कदम उठाया है।

मैं नेशनल एपैक्स बाडी की एक बात बताना चाहता हूँ। जब वहाँ एक सवाल आया कि वेल्थन गवर्नमेंट के सेक्टर मिनिस्टर ने एम्प्लायर को ऐसा पत्र क्यों भेजा है कि पिछले माल जिस रेट से आपने बोनस बांटा है, उसी रेट में बांटो, उसमें नेशनल एपैक्स बाडी का क्या सम्बन्ध था? अगर एपैक्स बाडी उनका नोट न लेती और उस पर बर्बिस न लगती कि केरल के सेक्टर मिनिस्टर को अधिकार नहीं है तो मैं मानता हूँ कि गवर्नमेंट का भी ऐसा साहस नहीं होता। एपैक्स बाडी और गवर्नमेंट को रास्ता बताया। एक दूसरे में लिक जुड़ा हुआ है।

मैं यह अवश्य मानता हूँ कि प्रोडक्शन और प्रोडक्टिविटी के ऊपर बोनस देने से मजदूरों को ज्यादा फायदा होगा। मैं आपके सामने यह भी बताना चाहता हूँ कि मैं नेशनल न्यूजप्रिंट नेपा मिल की यूनियन का जब प्रेजीडेंट था, वहाँ पर रोजाना 100 टन प्रोडक्शन होता था, हमारा वहाँ पर समझौता हुआ जिसके कारण 156 टन पर-डे प्रोडक्शन आने लगा। वहाँ अब भी 32 परसेंट प्रोडक्शन बोनस मिल रहा है। अब देखिये आगे क्या मिलेगा?

द्वोगावादा में एक मिश्रियॉरिटी पेपर मिल है, उसकी कंपेसिटी 7 टन की है। वहाँ पर 7 टन नोट बनाने का कागज बनना चाहिये था, लेकिन उसका प्रोडक्शन 4 टन आता था। 3 बरस पहले हमारा मिनिस्टर साहब ने समझौता हुआ कि 6 टन तो आना चाहिये। हमने कहा कि 6 टन प्रोडक्शन आयेगा। उन्होंने कहा कि 6 टन के ऊपर जितना ज्यादा आयेगा, हम आपको उत्पादन बोनस देंगे। आप लोग यहाँ बैठे हुए हैं, क्या कोई यह यकीन कर सकते हैं कि आज वहाँ पर 9 टन प्रोडक्शन हो रहा है। यह कैसे आ रहा है? क्योंकि वहाँ पर प्रोडक्शन बोनस 80 परसेंट तक मिल रहा है।

जहाँ तक प्राइवेट सेक्टर का सम्बन्ध है, नागदा के अन्वर प्रेसिंग मिल में भी हमने समझौता किया है और 35 परसेंट बोनस मिला है। वहाँ दूसरे यूनिट में 3 साल का समझौता किया और 25 परसेंट बोनस मिला है। मैं निवेदन करना चाहता हूँ कि जहाँ प्राफिट का सवाल है, आप प्राफिट को रखिये प्रोडक्शन, प्रोडक्टिविटी को रखिये लेकिन अगर प्रोडक्शन और प्रोडक्टिविटी पर आपने बर्बिस लगाई कि 20 परसेंट के अधिक बोनस

[श्री राम सिंह भाई]

नहीं मिलेगा तो आपका प्रोडक्शन अधिक बढ़ने वाला भी नहीं है। सरकार मजदूरों को कहती है कि वे मेहनत करें और कमायें, और जो वे कमायेंगे, उस में से उन को बोनस मिलेगा। जो प्राफ़िट होता है, उस में से डिप्रिमियेशन, डेवेलपमेंट रीबेट, टैक्सेशन और डिविडेंड आदि निकाल देने के बाद बचे हुये में से 60 परसेंट बोनस दिया जाता है। इस फार्मूले को रिवाइज करने की जरूरत है। डिविडेंड किस पर दिया जाता है? एक केन्द्र की मिलों का मूल शेयर कैपिटल क्या है और बोनस शेयर देकर उन्होंने अपना शेयर कैपिटल कितना कर लिया।

1927 में 51 मिलों का शेयर कैपिटल केवल 3,59 लाख रुपये था। 1939 में 64 मिलों का शेयर कैपिटल 4,41 लाख रुपये हो गया और 1949 में उन्हीं 63 मिलों का शेयर कैपिटल 12,72 लाख रुपये हो गया। क्या उन्होंने उसमें पैसा डाला? एक मिल का शेयर कैपिटल 30,91,000 रुपये था। उस ने एक पैसा भी अपनी जेब में से नहीं डाला। वह रिजर्व बनाती रही और जब रिजर्व हो गया, तो उस ने सारा बोनस शेयर में बदल दिया। उस का 30,91,000 रुपये का शेयर कैपिटल 8 करोड़ रुपये का हो गया है। लेकिन वह मिल 30,91,000 रुपये पर डिविडेंड नहीं देती है, बल्कि सिर्फ 8 करोड़ रुपये पर देती है। डिविडेंड मूल शेयर कैपिटल पर दिया जाना चाहिये।

हम चाहते हैं कि इस कानून द्वारा बोनस की जितनी भी बचत की रकम हो, वह राष्ट्रीय कोश में जानी चाहिए और उसे देश के बिकास कार्यों में लगानी चाहिए।

इन शब्दों के साथ मैं इस बिल का हृदय से समर्थन करता हूँ।

श्री एम० एम० बनर्जी (कानपुर) :

सभापति महोदय, मैं इस आर्डिनेंस और इस बिल का विरोध करने के लिए खड़ा हुआ हूँ।

SHRI RAGHUNATHA REDDY : Please speak in English.

SHRI S. M. BANERJEE: Sir, I have decided to oppose this Bill lock, stock and barrel. As a working class leader who has been trying to champion the cause of working class for the last thirty five years, this was a rude shock I got, when suddenly one fine morning I found that an ordinance had been brought not to ban retrenchment, not to ban lay-offs, not to ban closures, not to take over the closed units, but to reduce the bonus from 8.33 per cent to 4 per cent. There was jubilation in Kanpur in all the big business houses, whether Singhanian, Jaipuria or Bagla, and the manifestation of anger in the entire working class areas. It was a bolt from the blue for the workers and a boon for the capitalists. As my friend, Shri Indrajit Gupta said, if the working class are convinced that this decision was in the larger interest of the country as a whole, they would not have raised their fingers, but they are convinced not because Shri Dange says or because Shri Indrajit Gupta says, but from their own experience they have realised that this has been done at the instance of Tatas and Birlas who were always against payment of 8.33 percent. Hon. the Prime Minister, for whom I have the greatest regard, asked how any unit which is sustaining a loss can pay the bonus. Do you think that all these industrial units are philanthropist societies? They run even after losses. I have yet to see any industrial unit which has sustained loss and paid 8.3 percent or

4 per cent bonus. May I ask hon. the Prime Minister and the Labour Minister, will any capitalist, will any owner of a private sector unit be prepared to show the number two account, as it is widely known? They maintain two accounts; they manipulate the balance-sheet. When we negotiate for bonus, the manoeuvred balance-sheet is shown to us. But the real balance-sheet remains with them. Had the balance-sheets been correct, then these raids would not have resulted in the unearthing of so much black money—to the tune of Rs. 1500—1600 crores. If the balance sheets are right, correct and honestly made, then where is the question of black money at all? Not even the Prime Minister is entitled to see their No. 2 account and naturally, as a result of that, the workers will be deprived not only of the 8.33% bonus but, in future, even the 4% will not be given to them I am really surprised. This action was taken at a time when the working class throughout the country rallied behind the government in fighting the right reactionary forces and defending the emergency and the 20-point programme. I do not know who inspired the Prime Minister to do so. She had been telling that when some of those representatives of other countries came to see her, she had a dialogue with them and that they were surprised at what was happening in India. They probably considered India to be a wonderland. What about the need-based minimum wage that is given in other countries? What about the amenities that are given in other countries? Is there any other country, any developed country, whether capitalist or socialist, where people starve? And 27 crores of people are living in starvation conditions and below poverty line. When you talk of other countries, please talk of the service conditions and the working conditions of the working class there. Not to talk of bonus—I am prepared to say that we do not want bonus at all but give us a need-based minimum wage. We are told, 'Why don't you consider

those people who are unemployed?' When you talk of removing unemployment, the talk, 'Where is the money?' Will the money saved on account of this non-payment of bonus go into the hands of government? No. I am surprised.. In Kanpur when payment was made in 2-3 of the textile mills, 8.33% bonus was decided in the balance-sheet and 50% of the workers were paid but immediately after this Ordinance, the management refused to pay that amount to the workers and also asked the workers to pay back the excess money paid. Kanpur has a glorious tradition of fighting. They refused to give back that amount. They staged a token strike. They staged a stay-in strike for 6 days and the management was compelled to pay 8.33%, emergency or no emergency.

Not only this, what about the public undertakings? I am surprised the HMT, Pinjore which had a profit of Rs. 78 lakhs only in 1973-74 paid bonus to workers at 20%. And in 1974-75 the profits have risen from Rs. 78 lakhs to Rs. 238 lakhs and the workers are offered 4%. If this was not linked up with production or productivity, where was the question of profit? How did they earn a profit of Rs. 238 lakhs? They have boycotted it and they have not accepted the bonus.

Take the case of LIC workers. In 1974 after two months of negotiations and with the help of the hon. Minister, Shri Raghunatha Reddy and the then Finance Minister, Shri Y. B. Chavan and the Chairman of the Life Insurance Corporation who is now the Governor of the Reserve Bank, all the recognised all India units of the Life Insurance Corporation employees entered into an agreement for four years in January, 1974 and it was a package deal 16% bonus was paid to the employee in 1974. Now, what happens?

[Shri S. M. Banerjee]

They have been told that this money is going to be recovered. Please tell me. When those public sector undertakings are not covered under the Bonus Act, how can they come within the mischief of this Ordinance? Ultimately you have to take recourse to move the court of law and we moved it. The Bombay High Court gave the LIC employees a stay. It is not being recovered. But I want an assurance from the hon. Minister that those public sector undertakings which are not governed by the Bonus Act should not come under the mischief of the Bonus Ordinance. There is four year agreement. Once that agreement is broken, only in the case of bonus then it effects a package deal. There are so many dos and don'ts. We had to agitate for each and every matter, on which an agreement was reached. Once the sanctity of the agreement is broken by the LIC Chairman or by the Government or by the Finance Ministry, then the employees should not be held responsible if they are working under GIC or the LIC. The bank employees have been deprived of this bonus. Now they said that the employees will be getting 6%, 7% and 8% only. 8% is only in the case of eight banks.

The hon. Minister, unfortunately, had read out the speech, perhaps, against his own conscience.

SHRI RAGHUNATHA REDDY: It is not so.

SHRI DINEN BHATTACHARYYA: He is a prisoner of circumstances.

SHRI S. M. BANERJEE: I do not bother whether he has a conscience or not. I have a conscience and I have definitely decided to oppose this Bill. My friend Shri Ram Singh Bhair also spoke in a peculiar manner. The poor fellow has been hammered enough not to speak

these things. I am yet to hear another speech supporting the Bill from Mr. Stephen. I have seen them opposing this Ordinance and championing the cause of the working class in the apex body meeting. I have seen Mr. Stephen stumbling in every limb. I have to see INTUC leaders like Mr. David Ramarajam. Along with them is a mighty voice and they said that Government has no business to do it and then Mr. Naval Tata was laughing at them and telling them, "My boys, you are too young for it. We have influenced the Prime Minister and the Prime Minister has done it."

INTUC leader—Mr. B. Bhagwati—was the first to issue the statement. I want that INTUC should come forward today. How can they? Let them defy the whip and oppose this Bill which is not in the interest of the working class.

Now there is the question of productivity and production. If productivity is not there, why do you talk of production? Where was this Ordinance when lakhs of people were laid off when 12 textile units were closed? That Bill is coming now, that too in a manner with three months notice business. There is no punishment for those and after three months they can close.

Take the instance of Defence Production, 28 Ordnance factories have worked on a piece rate. The rate is fixed by time and motion study. They earn 100% after their working for 8, 9 or 10 hours even. It is those workers who save the country by manufacturing sophisticated weapons in our country. We were proud of our Vijayantha tanks, all our guns, all our rifles, all our shells, etc. Today the Finance Ministry has come out saying that if there is more than 50% profit, it should be reduced, and there should not be more than 50% profit. Will it not affect production? I ask. Is this the way to increase production? If it is 60% you say it should

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be reduced to 50 per cent, not more than 50%. Do you think it will give incentive to the workers? In that case they will be losing production. This particular thing will act adversely on the morale of the workers. I plead with the hon. Prime Minister. Only the capitalists have been taking advantage out of it. I want two or three things by way of clarification. I want this assurance from the hon. Minister. I moved an amendment in page 7. I said this:

"Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act."

This is my amendment and I request him to accept this. When the Railway employees demanded bonus, when the Defence employees demanded bonus, when the P&T people demanded bonus, they said, departmental undertakings will not give bonus. When it comes to public sector, they said, public undertakings will not be covered under the Bonus Act. The Minister should give clarification for all these things. What is said in the Rajya Sabha? It is decided that whatever amount is paid in excess of 4% will not be recovered. We knew that it has been done purposely from 1974. It is just like this, when I go to somebody for begging.

किसी के घर में बीख माँवने जायें तो
 कुत्ता छोड़ देते हैं। तो हम कहते हैं कि कुत्ता
 हटाओ, बीख नहीं चाहिये।

It is just like that. When bonus is deducted, it is deducted this way, you are deducting retrospectively from 1974. Then some persons said, let the Prime Minister save us from this, let 1974 be protected. So, this has been done. So, that is not conspiracy

to the workers. I appeal to the Prime Minister in whom the working class had every confidence. They stood as one man at the time of external aggression, at the time of internal disturbance, at the time when reactionary forces were trying to subvert democracy in this country. The working class did not do any such thing. They stood solidly behind the Prime Minister.

16 hrs.

Is this the reward for the working class? Some people got Bharat Ratna; some got Padma Bhushan and Vibhushan and hundreds of people got Padma Shri. But the working class with the support of Shrimati Indira Gandhi got 4% bonus this year and they would get no bonus next year. What a reward she has given to the working class? Mr. Fakhruddin Ali Ahmed should have come here and announced the award to the working class. You are flourishing here because we are producing more. If we do not produce more, there would be retrenchment, lay-off, closure and no punishment to anybody else but they will be given three months' notice. Actually the workers are given slow poison, and by giving three months' notice, you will kill them. This is a greatest reward that the working class will get. We shall not take it lying down. Banerjee may be there or may not be there; Shri Dinen Bhattacharyya may not be there. Today the leftist parties may be disunited for various reasons. But when the question of uniting the working class arises again, we shall all unite and try to see that the bonus is restored. Mr. Khadilkar was laughed at. Mr. Khadilkar has done a lot. Shri Verma said

श्री इन्दिरा जी से मिला था और उन्होंने
 आवश्यक प्रकट किया और वह कहा कि हम
 से सजती हुई है। इन्दिरा जी को बीका
 मिला था एक ही आदमी से मिलने का और
 वह कहने का कि हमसे सजती हुई है और

[श्री एस० एम० बनर्जी]

उन्होंने इस को महसूस किया है। सामान्य मालूम होता है।

श्री राम सिंह भाई : आप भी कबूल कर के आए थे।

श्री एस० एम० बनर्जी : मैं इन्दिराजी से नहीं मिलता हूँ। मैं समझता हूँ कि थोड़े क पिछाड़ी और अक्षर के अगाड़ी नहीं रहना चाहिए।

श्री राम सिंह भाई : आप के डांगे साहब ने भी कहा था और अब वारों में भी छपा है कि बोनस जो काटा है उससे दस गुना इमर्जेन्सी से लाभ हुआ है (व्यवधान)

श्री एस० एम० बनर्जी : डांगे साहब ने कहा है कि इमर्जेन्सी की इम्पॉटेंस भी है और बोनस भी इम्पॉटेंस है। आप डांगे साहब की ईमानदारी के बारे में बोलते हो (व्यवधान)। आप के बाल सफेद हैं।

श्री राम सिंह भाई : आप के भी सफेद हैं।

श्री एस० एम० बनर्जी : आप के बाल तो गायब हो गए हैं (व्यवधान)

श्री राम सिंह भाई : आप के भी गायब हो जाएंगे।

SHRI S. M. BANERJEE : So, Sir, what I say is this. We have moved certain amendments. I do not know whether they will be accepted by Government. The working class has been rewarded very badly. That is all what I want to say.

SHRI C. M. STEPHEN (Muyattapuzha) : Mr. Chairman, Sir, when the debate started, I was not very clear in my mind whether I should participate in the debate. But, after Mr. Banerjee's speech, I felt no doubt that it was my duty to participate in this debate. He made an appeal to the Members of Parliament on this side who are in the trade union work, that they should defy the Congress party whip and oppose the Bill. May I

very humbly tell him at the very start that, as far as I am concerned, I don't consider that this measure demands a step such as that.

Nevertheless, I am fully conscious that the Bill we are discussing today is one of far-reaching importance—not for what it contains but for the channels through which this Bill will guide the industrial relations in this country hereafter. I am thankful to Mr. Banerjee for bearing witness before this House that in the apex body and in the other forums myself and the other members of the INTUC fought for a position different from what is reflected in this Bill. Even after this Bill was introduced in the Rajya Sabha, I should say, that I and the members of INTUC Parliamentary wing continued to play our role and submitted a memorandum and asked for certain amendments. But, the Labour Minister was able to accept only one amendment, namely that the Bill should have no retrospective operation and that in respect of 1974, whatever bonus has been paid to the workers, should be treated as a closed chapter and that must not be collected back.

Now, this is a measure about which one should say, like Roger de Coverly, that much can be said on both sides. There are certain redeeming features. There are also one or two features about which persons working in the trade union field will certainly feel unhappy and sorry. The redeeming features are, as was spelt out by the Labour Minister, the extension of the coverage of the Act to a larger area, namely, to establishments where less than 20 persons are employed. It is left to the respective State Governments to issue a notification to that effect and bring it under the coverage of this particular Act.

Another thing is that where minimum bonus is paid, than the absolute minimum is raised from Rs. 40, which is the case today under the Act, to Rs. 100. This, as far as I could see, is not a small thing, because there are a large number of workers in this country who are paid accord-

ing to the Minimum Wages Act. Their wages will not come to anywhere that figure. In my own State, the coir workers, the cashew workers and the handloom workers and a large number of workers who came under the Minimum Wages Act, who are being paid in accordance with the terms under the Minimum Wages Act, for them if the minimum becomes payable, then the raising of the quantum from Rs. 40 to Rs. 100...

SHRI DINEN BHATTACHARYA :
How do you say in the case of handloom workers that is so ?

SHRI C. M. STEPHEN : In case it is payable, raising it from Rs. 40 to Rs. 100 is certainly a great gesture.

Then again, with respect to the calculation of the gross profit and the calculation of the available surplus; that also the Minister has spelt out. With respect to calculation of the gross profit, amounts which are paid or provided for as national gratuity payment otherwise than under schemes accepted under the Income-tax Act, that also used to be deducted and there was no adding back permitted. Now anything that is provided for in the balance sheet or profit and loss account in excess of what is payable under a gratuity scheme approved or is actually paid has got to be added back on the gross profit side. On the other side, it is now provided that only some types of subsidy have to be deducted and not all types. That makes some difference with respect to the possibility of an available surplus. Not that it is a great boon. But that some changes with respect to those calculations also have been effected.

Now, what are the other changes that have been brought about? There are three. First, availability of minimum bonus, irrespective of allocable surplus is taken away and it is imposed as a condition precedent that there must be some allocable surplus, if minimum bonus is to be paid. Not that the minimum bonus is to be paid only in accordance with the quantum of

allocable surplus, but, as was explained by the hon. Minister, if there is one rupee or one paise as allocable surplus, then the minimum bonus will have to be paid, whether or not they have got the money to pay. Now this principle has been brought in as a new thing.

Secondly, the freedom to enter into an agreement otherwise than under the formula provided for in this agreement is taken away. Let us be clear about one thing. Even in the present Act, what was provided for was not the freedom to enter into an agreement to pay any amount other than that provided for but the freedom to evolve formulae different from the formulae provided for in this agreement.

SHRI ERASMO DE SEQUEIRA
(Marmagoa) : Same thing.

SHRI C. M. STEPHEN : Certainly not the same thing. I could say that I have signed a large number of agreements just saying 'agreed that this amount will be paid as bonus', without reference to the formula here, without spelling out another formula at all.

Then bonus based on production and productivity is safeguarded, subject to the maximum of 20 per cent. If a production and productivity bonus is provided, if a formula can be evolved on that basis, there is no question of allocable surplus nor of available surplus.

If a formula can be evolved, then bonus can be guaranteed. I want to place before the House two or three main facts. There was a bonus review committee. Its report is not available to the House; I know that. Unfortunately that committee was not able to present a unanimous report to the Government. Even the labour members of that committee could not agree on any formula. Without seeking to provide anybody, I want to point out that there were three seats for labour members on this committee; one for AITUC, one for HMS and one for INTUC. When the

[Shri C. M. Stephen]

late lamented comrade Satish Loomba who was a member of this committee died in a plane crash, in spite of repeated requests to AITUC to nominate a person to fill up this seat, for reasons best known to themselves, they did not do so. In a democratic institution and government, when a particular formula is sought to be reviewed in consultation with labour representatives there is a responsibility for central trade unions to play a role. The INTUC had its representative; HMS's Mahesh Desai was there and he assumed an adventurist role; he is now out of HMS. AITUC refused to go in and sit together with the other labour members to evolve a formula in their effort to present a report on which at least the labour members could be united. There they failed the working classes, as far as I can see. So before the government there was a report produced by an independent member and the chairman; another report presented by the private sector employers and another report presented by the public sector representatives and another report was presented by INTUC. After Mr. Banerjee's speech testifying to the forthright fight INTUC has been putting up. I do not want to elaborate on the fact that the INTUC recommendations were not against the working class. Mr. Mahesh Desai put up some adventurist proposals and AITUC remained silent by abstaining from the Committee. It is in this context that I say that as a central trade unionist, the AITUC have failed the working class in this country, to the extent that they failed to sit together and evolve a formula and advise the government unanimously for and on behalf of the working class.

Faced with this situation, the Government had to take its own decision; it took something from this and something from that and they came to this decision that the minimum bonus be retained subject to the condition that there must be some allocable surplus for the purpose of calculating with-

cable surplus they made some alterations in favour of the workers.

Why exactly an agreement outside the Bonus Act formula could not be permitted, was the question that was raised. Let us look at the bonus history. At one time struggles were going on for Bonus. There was the labour appellate tribunal formula and then finally the Supreme Court decision; let somebody be appointed so that legislation could be enacted. Legislation was accordingly enacted. Legislation provided for agreements outside the formula. What was the result? Has an intelligible or intelligent productivity-bonus formula been evolved in the course of ten years. I am not talking of a few institutions here and there, where there are production and productivity bonus formulae. In a large number of institutions such a formula has not been evolved; no trade union has ever tried to evolve a formulae that way; a thing that should have been evolved, has not been evolved. Then again what was the result of this freedom for agreement? My friend Mr. Banerjee said that there were areas—public sector areas—where large amounts were being paid and there were private sector areas where large amounts were being paid. At whose cost? If there is enough surplus warranting the payment of only 10% and if agreement is evolved between the management and the labour for payment of 30%, at whose cost this is being done? I have absolutely no doubt in my mind that income-tax is being taken out and at that cost this is being done. The bonus review committee collected details and the details show that 80% of the cases are those in which this particular provision was taken advantage of and the bonus was being paid at a level far higher than warranted by this formula or by the Appellate Tribunal formula. This is at the cost of the whole society. Whether or not this should be permitted is a matter which the Government had to take into account. As a trade Union worker, myself and Shri Banerjee

are very keen to get freedom for workers to have an agreement at higher level but as parliamentarians and as representatives of the people we will have to look at the other side also. If the freedom of agreement is to be given, then why the statutory provision? If the freedom is given then the whole thing can be left at that stage. But why statutory provision? Statutory provision is for the purpose of evolving a methodology and the Supreme Court has gone to the extent of saying that whosoever is not covered by this Act will not be entitled to bonus at all.

Now, the trade union workers are pinned down to the position of evolving production and productivity bonus formula in order that bonus may be procured for their workers. There will then be no question of the bonus being cut down. Hereafter the course of industrial relations will take certain directions. What are the directions? Government says: no bonus if there is no profit. That is agreed. But who is to determine the profit. Here comes the question of labour participation. You have brought in a scheme where labour participation is allowed and we shall be driven to the extent of demanding that the participation be complete and thorough. Now that you say that profit is a condition precedent for the payment of bonus—involve us in full participation in the industry. This is the trend in the industrial relations, which is going to take place hereafter. That is why I submit that this Bonus Act is an Act which will have considerable repercussions and it will take a certain turn which you have never anticipated. That turn will take place. Now, about this 8½% I am absolutely clear in my mind that I can come to an arrangement with the management in this respect as part of a wage agreement. There was a provision in the old Act whereby any agreement whereunder the minimum is given up, would be taken as null and void. That provision is repeated in this Bill. I can take advantage of that. I can come to

an understanding with the management as part of the wage agreement and I can compel the management to enter into agreement and say reserve it as deferred wage under 8½% for me at the end of the year, giving up in return the statutory minimum Bonus. That will be covered by income-tax protection. It will certainly help to ensure the minimum bonus because it is a package deal with respect to the wages.

What I am submitting is, another production and productivity formula will be evolved and more and more thinking on these lines will certainly take place. So here is an incentive for the trade unionists to come and say that we must have a voice in deciding what should be the production. What I am submitting is that there will have to be more participation by workers. This is going to be an incentive for more of participation by workers in the management of the industries. This is going to be the incentive for harder wage bargaining in order that their take-home pay may not be cut. New devices will certainly be evolved. This is not the end of the matter. You have taken this position because the concept of deferred wage about bonus was taking a different development altogether. If it is deferred wage, it was asked by other sections, why limit it to industrial employees. INTUC passed a resolution in Goa saying that hereafter the pattern must be 12 months work and 13 months wage. We also said that this must apply not only to industrial employees but to all employees including government employees. So, the government had to take up the position saying, "Bonus is not deferred wage but it is either profit-sharing productivity sharing". These two principles have now been spelt out. I welcome this Bill in one respect, namely, the confusion about the concept of bonus has now been cleared up. The originality, initiative and mental application of the

[Shri C. M. Stephen]

trade union leaders are now being challenged. Innovations will have to be built in and productivity formulae will have to be evolved. All I am submitting, is, this is not such a disastrous thing as is to be made out by Mr. Banerjee and others. All that has happened is for minimum bonus a condition has now been prescribed. There must be some allocable surplus. If all industries in this country are working without any allocable surplus, it is certain that this country is going to dogs. Therefore, those industries which will be hit by this Bill will be considerably limited. The workers and trade union leaders in those industries will have enough ingenuity and initiative to evolve productivity formulae so that their bonus could be safeguarded. Or, they will have the guts to bargain at the wage bargaining table to see that their take-home salary is fully protected.

This is a Bill about which much can be said on both sides. But I am very clear in my mind that this is a watershed. Let not the government, the public sector and private sector get away with the impression that this is the end of the journey. This is the beginning of another fight which will end up only in the full participation of the workers, not the type which you have proposed, but full participation in accounting, production, building up of inventory, deciding to whom to sell, what to sell and when to sell, deciding whether the accounts are correct or not. This will be the logical end of this fight. This is the incentive and challenge that this Bill has given us and I as a trade unionist, accept the challenge. We will go ahead and meet the challenge, and face the public sector, and the private sector in the proper manner.

With these words, I support the Bill.

SHRI ERASMO DE SEQUEIRA
(Marmagao): I support the resolution

of disapproval moved by Shri Indrajit Gupta because to me this ordinance and the Bill are an example of how without reluctance—I use this word because ‘shame’ is unparliamentary—this government tries to mislead this House and the people of this country. According to this Bill, the objective is to provide for payment of bonus to persons employed in certain establishments on the basis of profits, production or productivity. My submission is, all that this Bill has done is to abolish the minimum bonus. It has not at all linked bonus with either production, profit or productivity.

Let us look at the condition under which this ordinance was brought forward. I know that the Government keep saying in this House everyday that the prices are coming down. Side by side, the ladies of India—this being the International Women’s Year—who are far better judges of what is going on than any index that the Government can manipulate, keep on telling us almost every month that the essentials are getting more expensive; life is getting more difficult.

What has this ordinance done? It has gone against the basic principle of the Industrial Disputes Act—a facility once given cannot be taken away. This is not surprising because the Government before the Emergency was not existent. If this is the Government with full majority, when there is no problem of law and order at all, it should go against this principle, it does not surprise me at all. All of us know that already the share of workers in the value added by production is going down. It is according to their own Reserve Bank study. And to abolish the minimum wages in circumstances such as this, is not giving spart to production but it is only to enhance bitterness among the workers. I have no doubt that any responsible employer in this country is very unhappy about the cancellation of minimum bonus because it concludes nothing

Sir, the option that existed to come to an agreement with his working force that he can pay more bonus than is provided in the Act, has been taken away. How it has been taken away? Look at section 29 Provide: "Provided that the deduction in respect of bonus paid to an employee employed in factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply shall not exceed the amount of bonus payable under the Act." No deductions shall be available under the Income-tax Act. Not only do you say to an employer that you shall not pay bonus than the prescribed limit but you also say that if you do so, you shall pay tax no what you have already paid. This is the extent to which this shameless Government is prepared to go.

16.27 hrs.

[SHRI C. M. STEPHEN in the chair :]
 Mr. Indrajit Gupta was saying and rightly so that the first victims of facing judging by international experience are always the working class. I am only sorry when he sees creeping fascism staring at him in the face in this Congress Government, Mr. Indrajit Gupta chooses to ignore it and looks for phantoms in the JP movement. Let me tell him that he is terribly wrong if he feels that the working class did not support the movement. If it had not one could never had a march of the magnitude of the people in Delhi.

Sir, the BLD can never accept that bonus is linked with the production or productivity when only the minimum is taken away and the maximum is retained. How can anybody say that I have linked the bonus with production when there is a limitation of 20 per cent? How can anybody say that this Bill is going to give spurt to productivity when you say that you shall not pay more than 20 per cent? I am sure, the Government must be feeling that every working man in this country is a fool if they expect anybody with any sense in his head to believe it.

If this Government is interested in linking bonus with production and with productivity then the removal of the minimum is all right; but the maximum must also be removed. And I have an amendment to this very bill, to suggest precisely that. If this Government wishes that production should have a spurt, that productivity should have a spurt then not only must it remove the maximum; it must link bonus not only to some kind of a formula, but also to the ratio which wages bear to the value of production. Then it will be realistic to expect, within that guaranteed minimum, to protect those who do not have a fair wage. Mr. Chairman, Sir, you yourself were speaking about some of the changes and some of the redeeming features of this Bill; but I submit, Sir, that they pale into insignificance if the maximum is retained. While I agree with you that it is a watershed, I hope that in the case of the hon. Member who was speaking so boldly from the Congress benches, it will be more than the mere shedding of—you know what. Sir, this bill as it comes forward to this House, is nothing more than the misuse of the Emergency. This Bill can only be characterized as the betrayal of the entire working class by the misruling Congress.

श्री जगन्नाथ मिश्र (मधुबनी) : सभापति महोदय, आज जिस विधेयक पर हम चर्चा कर रहे हैं वह निस्संदेह बड़ा विवादस्पद है। इस पर अभी तक, जैसा मैंने सुना, वक्ताओं ने अपना गुस्सा जाहिर किया है वर्कर्स के पक्ष में। मैं यह कहना चाहता हूँ कि मेरी संकाय और इस विभाग के हमारे मंत्री महोदय वर्कर्स के बड़े विभायी हैं। जब कभी वह विधेयक लाते हैं, या वर्कर्स के सम्बन्ध में किसी तरह की बात हाती है तो इन्होंने अपने गुड आफिस वा इस्तेमाल किया है और उस राहें किया है। हमें इस पृष्ठभूमि में इस विधेयक को देखना है और जानना है कि विधेयक वर्कर्स के लिये कहां तक सही है।

[श्री जयलाल मिश्र]

श्रीमान् उद्योग का लक्ष्य, कोई भी उद्योग जो स्थापित किया जाता है उस का लक्ष्य है कि उस में पूंजी की जो आवश्यकता होती है वह लगे, उस में उत्पादन बढ़े, मजदूरी बढ़े, मूल्य में कमी आये और आर्थिक स्थिति उस की मजबूत हो और उसमें ज्यादा से ज्यादा लोगों की रोजगार का अवसर मिले। यह उद्देश्य होता है और इन उद्देश्य के लिए यह तीनों ही बात आवश्यक हैं—पूँजी जिसे हम कैपिटल कहते हैं, श्रम, जिस हम लेबर कहते हैं और मैनेजमेंट जिम्मेवारी जिसे हम प्रबन्धन कहते हैं। यह तीनों ही आवश्यक है। तो इन तीनों की दृष्टि में रखते हुए हमें सोचना है। बाबाबेला में बहुत बोल जायें किसी के पक्ष में तो मैं समझता हूँ वह उस के विपक्ष में ही बाला गया माना जाता है और उस में उस का हित साधन नहीं होता है। हमारे देश के बर्कर्स बड़े ही ईमानदार हैं, कार्य-नल्पर हैं, राष्ट्रीयता उन में भरी है, और जब समय आया है तो उन्होंने अपने कर्तव्य और ईमानदारी की परिचाय दिया है। इनविषे उन के प्रति हमारी महानुभूति होना आवश्यक है, इन में कोई दो मत नहीं हो सकते।

अभी हम बोवक के सम्बन्ध में बात कर रहे हैं तो हमें यह भी ध्यान में रखना होगा कि देश के बाहर कुछ मुल्कों में क्या रिवाज है। उदाहरण के लिये जापान वाले अपने बर्कर्स को बोनस के नाम पर 2 महीने का अतिरिक्त वेतन देते हैं। फ्रांस वाले अपने बर्कर्स को 1 महीने की ऐक्स्ट्रा मजदूरी देते हैं। अपने यहां थियर्स 25 वर्षों के अन्दर इस का एक रुप अभी तक खड़ा नहीं किया था इसका है और यहां पर बोनस का जो रुप है और वे आंकड़े बड़े हैं, वह हमेशा बढनता रहा है और इसलिए हमारी परभावों भी बढ़ती रही है।

श्रीमान् इससे पहले की विधेयक आया है, सरकार ने इन चर काफ़ी संशोधनों की है और बर्कर्स के हिस्सों को और लोगों के हिस्सों को अपने ध्यान में रखा है और इस बोनस को कुछ स्टिफिडिटी प्रदान की है और बड़ी गैन्तीरना से सोचने के बाद यह यह विधेयक लाई है। इसलिए मेरा विश्वास है कि जब की बार जो निर्णय हुआ है, पूर्व में लिये गये निर्णयों से यह अवश्य ही उत्तम और सदाहनीय है। यह मैं इसलिए कहना हूँ कि जब द्वितीय मुद्दा हुआ था, उस वक़्त बर्कर्स को इनमें टिप्पड़ दिवें जाते थे और तब से बोनस देना शुरू किया गया और उसका आधार यह था कि किसी इन्स्ट्रुमेंट में नफा हो या बाटा, 4 परसेन्ट या जितना भी परसेन्ट बोनस था, वह इन्स्ट्रुमेंट को देना हो या और इन को पाने के लिए हमेशा झगड़े, हल्ला मुल्ता, स्ट्राइक्स, बन्द और बराब आदि सभी होते रहते थे। इसलिए सरकार ने एक कमेटी नियुक्त की और उस की बोनस कमीशन का नाम दिया गया। यह 1964 की बात है। इस कमीशन का अनेक बैठकें हुई और इस में निर्णय लिये गये और बोनस एक्ट 1965 में पास हुआ और उस से भी अब काम नहीं चला और स्ट्राइक्स और बराब आदि सब चलते रहे, तब सरकार ने बड़ी मेहनत से और बड़ा परिश्रम कर के एक फारमूला दिया और वह 8.33 परसेन्ट बोनस देने का था लेकिन उस से भी बर्कर्स सन्तुष्ट नहीं हुए और कुछ लोगों ने उनको बहकाना शुरू किया और अगर मैं यहां उन का नाम लू तो वे हल्ला मचाना शुरू कर देंगे। लेकिन सरकार में विश्वास है लेकिन कुछ लोगों ने उन को उकसाना शुरू किया और उसका नतीजा यह हुआ कि औद्योगिक क्षेत्र में अस्थिरता बनी रही और बराब, स्ट्राइक्स कैंसर हुआ जिससे औद्योगिक बन्द हो गया। औद्योगिक बन्द हो जाने से औद्योगिक स्थिति होती पाठिपू की बड़ी स्थिति पैदा हो गई और तब सरकार की धर्म 1972 में बोनस रिविजन कमेटी नियुक्त करनी पड़ी और

उसमें बर्कर्स के तीन प्रतिनिधि थे, प्राइवेट सेक्टर के 2 थे, प्रभिक सेक्टर का एक था, एक एकोनामिस्ट था और एक इन्डिपेंडेंट था। इस तरह से यह कमेटी बनी और उस कमेटी ने अपनी रिपोर्ट दी, जिस के बाद 25 दिसम्बर, 1975 को प्राइनेन्स निकाला गया और आज यह विधेयक कानून के रूप में पास होने जा रहा है और इसीलिए इस हाउस में इस को विचार के लिए लाया गया है और उस पर चर्चा चल रही है। श्रीमान्, इस में बोनस को प्रोडक्शन के साथ जोड़ दिया गया है और बर्कर्स को 4 परसेंट बोनस देने की बात है। इस में लोगों को खतरा है कि 4 परसेंट भी मिल सकेगा या नहीं। सरकार से इस को सुनिश्चित कराना है कि उन्हें 4 परसेंट मिलता रहे। इसलिए मेरा यह सुझाव है कि पब्लिक इन्डस्ट्रियल मिस्टम का संगठन हो और 4 परसेंट तब करने में सरकार ने कुछ विवेकता दिखाई है और कुछ अच्छा काम भी किया है जैसे कि किसी भी उद्योग में अगर 10 घाटी तक हो, तो वे भी उस के अधिकारी होंगे। इस तरह से बोनस मिलने वालों की संख्या बहुत ज्यादा हो जाती है और दूसरी विवेकता यह है कि पहले नियम यह था कि 40 रुपये से कम बोनस नहीं दिया जाएगा। इस नये नियम में इस को 100 रुपये कर दिया गया है और यह स्वागत योग्य बात है और बर्कर्स के हित में है। लेकिन इसमें एक खतरा है जिसकी चर्चा और लोगों ने भी की है कि इस का आधार बेसेंसीट होनी और यह बेसेंसीट कीन वैध करेगा और उस को जाब कीन करेगा। बेसेंसीट के आधार पर बोनस का बंटवारा होगा। इस से एक बहुत बड़ा खतरा पैदा होता है। मेरा सुझाव यह है कि एक ऐसी कमेटी होनी चाहिए, जिस में बर्कर्स का एक प्रतिनिधि भी रहे और वह इस बात को देखे कि कितना उत्पादन बढ़ा है और कितना नफा हुआ है। इस बात की जांच हो। इससे यह होना कि बर्कर्स के हित में यह बात होनी कि हमारे साथ

अन्याय नहीं हुआ है। कोई भी उद्योग फलफूल नहीं सकता है, उसका विकास नहीं हो सकता है जब तक बर्कर्स यह न समझें कि यह उद्योग हमारा है और मैनेजमेंट का भी भला इसी में है कि वह समझे कि वे बर्कर्स हमारे हैं और हम हम में हैं ही हैं। इस तरह से आपस में सहयोग की भावना होगी तभी उद्योग बढ़ेगा, फलफूलेगा। इसलिए इन सब बातों पर ठीक से चिन्ता करना चाहिए। मेरा निवेदन है कि जो विधेयक प्राया है वह ठीक है। आपने भी कुछ मामलों की चर्चा की है, और लोगों ने भी की है। मैं उन में से बहुत सी बातों में समझत भी हूँ लेकिन मैंने अपना जो सुझाव दिया है कि इंडस्ट्रियल एरिया में ग्रान्ति बनी रहे, झगड़ सगड़ा न हो, स्ट्राइक धादि न हो, इसके लिए जरूरी है कि एक एक इंडस्ट्रियल रिलेशन कमेटी बना दी जाए जो जब कोई ऐसी बात हो उसका इसके जरिये से तस्फिया करा लिया जाए, उनका समाप्त करवा लिया जाए। बर्कर्स के साथ अन्याय न हो, इनके हकों पर कुठाराघात न हो, किसी तरह के भेद-विभेद की बात न हो ऐसी व्यवस्था भी कर ली जानी चाहिये। जिस तरह से जब किसी को बीज खराब होती है तो उसको कुछ होता है और वह उसको अधिकतर समझता है उसी प्रकार से बर्कर्स जिस इंडस्ट्री में काम करें व उस इंडस्ट्री को अपना माने और जब वे उसको अपनी मान लगे तब मैनेजमेंट भी खुश होगा, सरकार भी खुश होगी कि उसने जो नियम बनाए हैं वे ठीक हैं और बर्कर्स भी खुश होंगे। मैनेजमेंट इस बास्ते कि उसका प्रोडक्शन ठीक है और सरकार इस बास्ते कि पूर्ण ग्रान्ति है और उसके नियम ठीक हैं और उत्पादन बढ़ रहा है। तब बर्कर्स का भी फायदा होगा। पारस्परिक सहयोग की भावना जब तक उन में पैदा नहीं की जाती है तब तक कुछ नहीं हो सकता है, फिर चाहे बीकर्स-आप कुछ दे दें। यह व्यवस्था की आवश्यकता अगर

[श्री जगन्नाथ मिश्र]

रहेगी तो हम कहीं के नहीं रहेगे और जहाँ हैं उससे भी पीछे चले जाएंगे। हम अगर आगे बढ़ना चाहते हैं और दुनिया को दिखाना चाहते हैं कि हम अपने वर्कर्स के प्रति कितने हमदर्द हैं तो हमें वास्तविक रूप में उनका हमदर्द बन कर दिखाना होगा। हमारे मंत्री महोदय बड़े ही उच्च विचारों के हैं वर्कर्स के प्रति उनके दिल में बड़ी सहानुभूति है और मुझे विश्वास है कि उन के हाथों कभी भी वर्कर्स का बुरा नहीं हो सकता है। उनके हाथों उनका बुरा न हो, यही मेरी कामना है।

यह जो विधेयक है इसको सुन्दर रूप से कार्यान्वित किया जाए, इसकी आशा हम उन से करते हैं और इन शब्दों के साथ मैं इस विधेयक का हार्दिक स्वागत और समर्थन करता हूँ।

SHRI N. SREEKANTAN NAIR (Quilon). I am really sorry that Mr. Raghunatha Reddy has been made a cat's paw of by the reactionary forces in the Ministry.

When the emergency was declared and the 20-point programme came, an eminent economist Dr. Raj declared in a conference that the bias of the programme was in favour of the employers. Some of us retorted that it was against the working class. We were forced to support it in the hope that ultimately some balance, some discipline, some effective growth would be achieved in the country and that the reactionary forces would not go downright against the interests of the country. But this Bill is the culmination of the machinations and the plots that have been hatched behind the doors by these reactionary forces.

This Bonus Ordinance came like a bolt from the blue. We did not know how to react to it, we could not foresee it. And now you have brought it as an enactment.

Thirtyfive years ago, on 9th August, 1942, when the news of Mahatma Gandhi's arrest shocked the entire world, I declared a strike in Harrison & Crossfield, Quilon, and after seven days of strike the first annual bonus in this country was granted. It was seven measures of rice. It was deferred payment of wages, and later on the principle was accepted through out the State of Travancore. In a tripartite conference in 1946, presided over by Sir, C. P. Ramaswamy Ayyar, four per cent was accepted as deferred wage bonus.

Again in 1948, when Mr. C. Kesavan was the first Labour Minister in the Congress Government a second tripartite conference was held in Travancore in Kerala where four per cent was again reiterated. To bring down the deferred wage bonus to the profit sharing bonus was the great achievement of the great leaders, whether it is of the INTUC or of the other Central Trade unions.

Anyhow, when the Bonus Act was challenged in the Supreme Court myself and the leader of the Central trade unions were there to defend it. Later on, Mr. Khadiolkar came forward with an enhancement from 4% to 8½% which I didn't think was approved by the highest authority in the country. So, it was with their concurrence that this enactment was passed. Since we were old friends, Mr. Khadiolkar wanted to deprive me and my organisation of our participation in the all India conferences and Mr. Reddy endorsed it. So, I am not in the central apex body; I am not in the central tripartite conference. I am not sorry because I would have felt it difficult to say O. K. to many of these things, which my great friend Mr. S. K. Dange is forced to do now.

Anyhow, I oppose this Bill in toto for several reasons. You have brought down the percentage of the bonus. You are taking it away completely for the next year. I asked you a definite question,

whether it was profit or allocable surplus. You said that it was profit. (Interruptions)

As an economist, you ought to know that I for one would be prepared, so far as the big companies are concerned, to accept the allocable surplus, if you take away the issues of bonus shares which have been declared from the time of the First World War. Has your Government got the guts to do it? They do not have guts, because they dare not touch the monopolists.

As has been pointed out by Mr. Indrajit Gupta, you are bringing down the time lag for the issue of Bonus Shares from 40 months to two years so that they may double their investment every two years. How many times, have they doubled their capital by the issue of Bonus Shares? Should the workers sweat and give profit to 50 to 60 times of the capital which has been manipulated during the last 40—50 years? If you take away all the bonus shares and calculate allocable surplus, I will show you that every firm of long standing will have terrible profits. And then you want use to accept allocable surplus of one pie or one rupee. How can it be so? You are not only cheating the workers but unduly aiding the monopolists. That is my complaint.

Coming to the banking companies, you say that Government will give some *ex-gratia* payment to their banking employees. Who else will give upto ten per cent? What about the workers of the 200 and odd banking firms who are being shunted out? Why do you want to favour the foreign banking companies? Why can you not compel them also to pay *ex-gratia*? You can not compel them to pay *ex-gratia* when there is no enactment. So, the Government is prepared to pay even then you want to favour the foreign companies. I do not understand this policy.

You said that there was no formula evolved under section 34(2). Nobody expected any formula. Even tomorrow, there could be another formula based on productivity.

You and I know that the strong trade unions will compel the employers to give 20 per cent more wages to compensate for the loss in bonus. When there is profit and that profit is hidden, the employers do not want the profit to go into their accounts. That is the secret of the higher bonus paid in every company including the public sector undertakings. I have negotiated settlements in the HMT for at least 3-4 years. If you start questioning some of the items, some of the entries, they will be in soup. I had also negotiated in the Hindustan Insecticide Limited. There was no question of formula. They have been giving bonus upto 20 per cent, because their capital investment is a bogus, artificial creation. A gift was converted into capital of several crores of rupees. Who gave the capital? Nobody. The workers continued to give them profit. None of the employers will give correct accounts. You say, don't give over 20 per cent. If the employer is willing, if there is a formula, the employees used to get it. Why do you want to give it to the employer? Is he going to give it to the nation or plough it back? No. He will not do that. You want to take it away from the poor employees and give it to the rich employers. The Government has become completely in favour of the employers and against the workers. This Bill is intended to benefit the employers and the monopoly capitalists and also foreign bank owners. This Bill is only to help the reactionary forces in the country. This Bill is going to antagonise the working class. I am sorry that this Government has brought forward this Bill.

SHRI VASANT SAIHE (Akola): Mr. Chairman, Sir, I begin by congratulating the hon. Minister for having brought a Bill where he has tried to clear the confusion that was prevailing up till now. Originally, when we in the field of trade union began to fight for bonus, we really fought for a share in the profit. That is how the battle began. But later on, as the gap between the real wage and the money wage kept on increasing and because the dearness allow-

[Shri Vasant Sathe]

since which was not properly linked to the cost of living index also could not make up this gap, the concept of bonus which was originally the profit-sharing concept became the deferred wage concept. That is how the concept of deferred wage came in. But the moment you bring in the concept of deferred wage, then the concept of minimum guaranteed, irrespective of profit, or loss, automatically follows as a logical corollary. That is why, up till now, in all our wisdom, the entire trade union movement of this country belonging to this side or that side and also the Supreme Court accepted the deferred wage concept irrespective of profit or loss. That was not struck down although challenged. Therefore it is too late in the day to say that we have suddenly woken up to realise that bonus has to be strictly related only to profit and that the concept of deferred wage has to be given a go-by.

While talking of profit-sharing, the hon. Minister explained that what he was having in mind was to restore it to the original status of profit-sharing. But then, I find, in this Bill, in clause 7, you talk of allocable surplus theory. This is the new concept that you are bringing in. The "profit", as Mr. Sreekantan Nair rightly pointed out, as understood in terms of balance-sheet economics—my hon. friend, Mr. Salve can explain this—is a different concept. The moment you talk of allocable surplus, what do you have in mind? Are you going to correlate the surplus in terms of the taxation law? Are you going to correlate the surplus after adhering to all other deductions under the bonus formula as was earlier. What is the concept of allocable surplus? We have not, either happily or unhappily defined it here. I don't see any definition of allocable surplus. You have said in the schedule such and such things will be included, and you have also included gross profit. But that is enumeration of

the allocable surplus concept if at all, as he has pointed out, it has any co-relationship to the initial capital.

SHRI RAGHUNATHA REDDY : Section 15 read with the Schedule will have to be taken into account for the purpose of calculating the allocable surplus. I don't think there is any ambiguity about it.

SHRI VASANT SATHE : Will it not be cheating the workers if you allow it day to day in the form of additional bonus shares from the profit or from the surplus to be given to the employers and then correlate the year's profit to this inflated share, what is the allocable surplus you are going to give them? Therefore, this is one aspect that has to be considered.

Then in clause 10 I would like to point out only a few salient features of this Bill. In clause 10 you are saying :

"For section 13 of the principal Act, the following section shall be substituted, namely :—

13. Where an employee has not worked for all the working days in any accounting year, the bonus payable to him under the section 10 shall be proportionately reduced." Now, you know that many times a worker is unable to work not due to his fault but due to the fault of the employer because he has no work or, sometimes, involuntarily when he is ill. Formerly, the idea was that whoever has completed 240 days of work should be entitled but now you are saying here that it should be reduced proportionately for every day that he does not work. You have not given any reasons so all that will be reduced. Why do you want to do this? This is one point I wanted to make.

Lastly, so far as this Bill is concerned, I will like to mention, apart from the general question I will be coming to about participation, Section 14. In clause 19 it is said :

153 *Res. and Payment of Bonus (Amdt.) Bill*, MAGHA 14, 1897 (SAKA) *Res. and Payment of Bonus (Amdt.) Bill*

"After Section 31 of the principal Act, the following section shall be inserted, namely

"31A. Notwithstanding anything contained in this Act,—

- (i) Where an agreement or a settlement has been entered into by the employees with their employer before the commencement of the payment of Bonus (Amendment) Act, 1976, or
- (ii) Where the employees enter into any agreement or settlement with their employer after such commencement,

for payment of an annual bonus linked with production or productivity in lieu of bonus based on profits payable under this Act, then, such agreement or settlement as the case may be :

So, here, the concept of assuring profit, you are yourself giving up. You began by saying that our whole idea is to link the bonus to profit. Now, where has this concept gone ? The moment you say it will be linked to production 'or'—and not 'and'—productivity....

MR. CHAIRMAN : The Bill provides for both.

SHRI VASANT SATHE : It is 'or' here; you have said that in very clear terms and not 'and'.

AN HON. MEMBER : How does it make any difference ?

17.00 hrs.

SHRI VASANT SATHE : I will tell you how it makes a difference. Now, supposing last year a certain production was achieved, we enter into an agreement that so long as the target of production of so many tons or so many yards of cloth is maintained and it does not come down, we shall have so much bonus. I enter into an agreement of five years. As long as the production is above the production of the year 1976, I shall be entitled to so much bonus linked with production. Productivity will mean, as you know, individual productivity which is a scientific term which can be measured

in terms of time and motion study; per hour, a worker is producing so much; that is the test of his productivity. Suppose for any reason, he does not get the work. That does not affect his productivity. He may say, 'I have retained my productivity; I should get so much bonus'. Is that our concept ?

SHRI RAGHUNATHA REDDY : May I clarify this ? In the expression used 'production or productivity', there is a disjunction. If we use a conjunction there, it would mean greater hardship to the worker. A trade union can enter into an agreement on the basis of either productivity or production or both. The choice is entirely theirs. As far as their choice is concerned they can have either or both. But if a conjunction is used instead of a disjunct or, it would result in greater hardship to the worker.

SHRI VASANT SATHE : Actually I say 'or' is advantageous to the workers. You have helped the workers there. Hereafter without relevance to profitability, we can always have an agreement to secure a particular bonus, may be limited to 20 per cent, but at least a minimum bonus can be secured. Therefore, I congratulate the Minister for making this provision. This is the real saving grace in the entire Bill. I would have been happier if you had not used these words. But I congratulate you for this.

The last point I want to stress—and stress with all humility at my command—is this. You will make a nonsense of this concept if you do not allow participation of labour in the management to the fullest measure, from shop level to the management level. The entire allocable surplus theory can have meaning only if the workers know what the real allocable surplus is. The workers today are cheated of the real allocable surplus by manipulation of both production and accounts. You know very well how the entire black money has grown in this country. The financing institutions also are not paying enough attention, although 80 per

[Shri Vasant Sathe]

cent of the funds go from the financing institutions to these managements—on which the profits go to them in terms of dividends. I would beg of you to consider this. Can you not have some measure or law by which you will be able to have more positive vigilance in accounts and in management to know what the real production is? There should be representatives both of employees and of the financing institutions. Only if you do this, linking it with productivity will be meaningful, linking it with production will be meaningful and also linking it with allocable surplus will be meaningful. Therefore, I would submit that this Bill, by itself, if left without the other measure, will have the danger of alienating the feelings of the working class. Therefore, kindly be forewarned, do not leave it here, follow it up with a measure which will give full participation to the labour in management so that they are not cheated of the real allocable surplus.

SHRI S. M. BANERJEE : I request that the Minister may speak tomorrow; there are many Members who want to speak.

MR. CHAIRMAN : Let us see how the discussion proceeds.

श्री दामोदर पांडे (हजारीबाग) : सभापति जी, जो विधेयक सामने लाया गया है उसमें बहुत सारे सुधार की गुंजायश है, और भी इस को अच्छे ढंग से यहां रखा जा सकता था। मैं चन्द शब्द कहना चाहता हूं, और वह यह कि जब जब भी आवश्यकता हुई हमारे देश के मजदूरों ने कभी कुरबानी देने से अपने को पीछे नहीं रखा। जब जब जरूरत हुई उन्होंने ऐसी व्यवस्था को स्वीकार किया जिस से देश का कल्याण हो। अभी हाल ही में आप ने देखा होगा कि स्टील बेज का जो ऐग्रीमेंट हुआ उसे मजदूरों की बहुत बड़ी कुरबानी समझनी चाहिये जो उन्होंने नें दी।

उस ऐग्रीमेंट को उन्होंने ने मन्जूर किया जो शायद साधारण स्थिति में वह मन्जूर नहीं करते। लेकिन फिर भी देश की आवश्यकता को देखते हुए उन्होंने ने मन्जूर किया। जब जब कंट्रीब्यूशन की बात आयी तो वह कभी पीछे नहीं रहते हैं। तो मेरा ख्याल था कि आज जो चीज बोनस फ़ौरमूले के रूप में हमारे सामने आयी है, या प्रोडक्शन, फ़ौरमूले के रूप में सामने आयी है या प्रोडक्टिविटी के रूप में आयी, अगर सलाह मशवरा करते तो उस से अच्छे ढंग से कोई अच्छा रास्ता सोच कर के उन को खुश कर सकते थे और अच्छा रास्ता निकाल सकते थे।

बहुत सारी बातें हुई, लेकिन एक पहलू पर विचार नहीं हुआ जो मैं रखना चाहता हूं। एक तरफ बात होती है कि प्रॉफिट हो तो बोनस मिलना चाहिये। बात सही है। लेकिन आप कल्पना कीजिये वैसी स्थिति की जहां आप यह कहते हैं कि तुम कभी प्रॉफिट कमा नहीं सकते। मैं कोयला उद्योग की बात कहता हूं। कोयले की जो प्राइस रिवीजन कमेटी बनी उस ने कहा इन को अपना खर्चा चलाने के लिये जो कोयले का उत्पादन होता है उस में खर्चा चलाने के लिये कम से कम 21 रु० कोयले की कीमत बढ़नी चाहिये। कैबिनेट ने तय किया कि 17 रु० से ज्यादा नहीं मिलेगी। तो आप ने 4 परसेंट प्रॉफिट शेयरिंग वहीं रख लिया। तो आप हम से क्या कल्पना करते हैं कि हम कभी प्रॉफिट कर सकते हैं। तो जहां डिब्रैस्ट प्राइस रखते हैं, कीमत घटा कर के रखते हैं इसलिये कि उस से समाज का कल्याण हो, समाज में कोई अव्यवस्था न फैल जाय। तो उस जगह पर आप यह रखेंगे कि उस उद्योग में प्रॉफिट होगा तब बोनस मिलेगा। तो वैसे उद्योग में काम करने वालों को बड़ी निराशा होगी। आज दो साल के अन्दर कोयले का उत्पादन 24 प्रतिशत बढ़ गया एक साल में 12 और दूसरे साल में भी

12 प्रतिशत बढ़ा। तो जब 12 प्रतिशत कम उत्पादन था तब तो आप ने पूरे 8 परसेंट बोनस दिया, और 12 परसेंट बढ़ा तो 4 परसेंट दिया, और जब 24 परसेंट बढ़ गया तो आप कहेंगे कि बोनस नहीं मिलेगा। तो यह मजदूरों को संतोष दिलाने वाली बात नहीं हो सकती है। आप कहते हैं कि प्रोडक्शन बढ़ाओ तो प्रोडक्शन बोनस करें, मंजूर है, हमें कोई एतराज नहीं है। हम काम कर के पैसा लेना चाहते हैं। और काम जब करते हैं तो पैसा जरूर लेंगे। हम ने आप का प्रोडक्शन बढ़ाया। लेकिन आज कोयले का उत्पादन 24 परसेंट दो साल में बढ़ा, तो जब उत्पादन बढ़ा और प्रोडक्टिविटी मान लीजिये आप कहते हैं कि प्रोडक्शन के हिसाब से लें बोनस, तो जब 24 परसेंट हम ने प्रोडक्शन बढ़ाया तो उसी हिसाब से बोनस भी मिलना चाहिये। लेकिन आप कहते हैं कि नीसल रह कर 20 परसेंट से ज्यादा नहीं मिलेगा। तो आप क्या करना चाहते हैं। प्रोडक्टिविटी की बात करते हैं तो आप कहते हैं कि इस से ज्यादा प्रोडक्शन नहीं बढ़ना चाहिये। क्या आप की यह कल्पना है कि 20 परसेंट से ज्यादा प्रोडक्शन नहीं बढ़ना चाहिये। तो यह ऐसी बातें हैं जिन पर विचार किया जा सकता था। और इस पर अगर गंभीरतापूर्वक विचार कर के यह बिल यहां रखा जाता, तो और अच्छा होता। इस में नियत की बात मैं नहीं करता, अच्छी नियत से यह बिल लाया गया है और कोशिश की गई है कि मजदूरों की मदद करें। जो एक एनारकी चल रही थी और पूरी अव्यवस्था की बात चल रही थी, उसे दूर करने के लिए एक व्यवस्थित ढंग से नियम बनाया जाए जिस से पूरे उद्योगों में समान ढंग से मजदूरों को बोनस मिल सके और उद्योगों में शान्ति स्थापित हो सके, इस बात की कोशिश की गई है। लेकिन इसमें कुछ बातें ऐसी रह गई हैं जिन पर विचार करना लाजमी है। आप ने यह कहा कि पिछली बार जो

बोनस का एग्रीमेंट हुआ था, उसमें कुछ ज्यादा भी दिया जाता था लेकिन बोनस को काटने वाली बात भी थी लेकिन अब बोनस काटने वाली बात नहीं होगी। यह बड़ी खुशी की बात है लेकिन जैसा कि मेरे से पूर्व वक्ताओं ने कहा है कि जितनी भी बैलेंसशीट बनती हैं, एक भी रिलायबिल नहीं है, किसी पर भी विश्वास नहीं किया जा सकता। पब्लिक सेक्टर में भी जो बैलेंसशीट बनती है, उन में भी कितना डीप हम जाते हैं। वर्कर्स पार्टिसिपेशन की बात करते हैं, करनी भी चाहिए। बोर्ड में उन के इन्वाल्वमेंट की बात करते हैं और बोर्ड के स्तर तक मजदूरों का मेम्बर रहता है। आखिर वर्कर्स का डाइरेक्टर जो बोर्ड में रहता है, उस की क्या कैपेबिलिटी है। वह क्या समझ सकता है कि एकाउन्ट्स में कहां कहां हेरा-फेरी हो रही है। यह इसलिए है कि उन को सारी सुविधाएं नहीं मिलती हैं, उन के पास वे सारे साधन उपलब्ध नहीं हैं जो दूसरे डाइरेक्टर्स के पास हैं। जो दूसरे डाइरेक्टर्स हैं उन के पास तो पूरा सेक्रेटिरियेट रहता है जो पीछे से उन की मदद करता है। वर्कर्स के डाइरेक्टर के पास सिवाय भाषण करने के कुछ नहीं होता है। इसलिए मेरा सुझाव यह है कि अगर आप सही माइने में उस को डाइरेक्टर मानते हैं तो सेक्रेटिरियेट की सारी सुविधाएं जो पब्लिक सेक्टर के डाइरेक्टर्स को मिलती हैं उस को उपलब्ध होनी चाहिये जिस से वह एकाउन्ट्स पर नजर रख सके और यह देख सके कि कम से कम बैलेंसशीट तो ठीक बनी हुई है। अब प्राइवेट सेक्टर में कहा कि पार्टीसिपेशन करो, बड़ीं खूबों से पार्टीसिपेट करेंगे लेकिन वहां तो बोर्ड में बैठने नहीं देंगे और प्लान्ट में जा कर पार्टीसिपेट करेंगे तो वहां कहेंगे कि कोयला जरा कम खर्च करो क्योंकि ग्लास पैदा करना है। तो उस हालत में अगर हम प्रोडक्टिविटी की बात करने वहां जाएंगे, उन का प्रोफिट कैसे बढ़े, इस की बात करने जाएंगे, तो उस हद तक पार्टी-

[श्री रामोवर पांडे]

सिपेशन उन को मंजूर है लेकिन अगर उन को यह कहे कि तुम्हारे मैनेजिंग डाइरेक्टर ने कितना टी० डी० में खर्च किया, तो वे कहेंगे कि यह तो ट्रेड सिफ्ट है, तुम्हारे जनरल मैनेजर ने एन्टरटेनमेंट पर कितना खर्च किया तो वे कहेंगे कि यह ट्रेड सिफ्ट है, हम इस को नहीं बना सकते। अगर हम कहेंगे कि स्टोर में जो परचेस की गई उन के लिए टेंडर मांगा गया था या भार्द-भतीजों से टेंडर तो नहीं मांगा ये, तो वे कहेंगे कि यह ट्रेड सिफ्ट है, इस को हम कैसे बता सकते हैं। तो वर्क्स का इस में क्या पार्टीसिपेशन हुआ ? अगर मीनिंगफुल पार्टीसिपेशन प्राप्त चाहते हैं, ऐसा पार्टीसिपेशन जो सही माइनों में कोई धर्म रखता है, तो हर स्तर पर जो मजदूरों के प्रतिनिधि हैं उन की ऐसी हैसियत होनी चाहिए कि हर स्तर पर वे अपनी उगली रख सकें, हर स्तर पर अपनी बात रख सकें और अगर हर स्तर पर अपनी बात न भी रख सकें, तो भी कम से कम उन को उसकी जानकारी तो मिले। ऐसी व्यवस्था होनी चाहिए। तो मेरा सुझाव यह है कि इस बोनस कानून को लागू करते समय ऐसी व्यवस्था होनी चाहिए कि मजदूरों के जो प्रतिनिधि हैं उन को साधन उपलब्ध होने चाहिए। जो कुछ भी हो, हर चीज में कोई अच्छाई रहती है और प्रोफिट शेयरिंग की जो बात प्राप्त कर रहे हैं, वह ठीक है लेकिन जहां डिस्ट्रिब्यूटिव रखते हैं, उस के बारे में क्या व्यवस्था होनी। जहां साल ठोक कर कहते हैं कि तुम्हारी प्राइस नहीं बढ़ेगी और प्रोफिट नहीं कमाना है, जिस से सत्ताज को बाधा होना, ऐसे उद्योग धर्मों में मजदूरों को क्या करना चाहिए, इस के बारे में भी व्यवस्था होनी चाहिए। वर्क्स पार्टीसिपेशन के और मजदूरी से कथन उठाए जाएं और इसकी मीनिंगफुल बनाया जाए, उसको सही धर्मों में पार्टिसिपेट करने का काम दिया जाए वह मेरा सुझाव है।

इन सभी कामों को करने के बावजूद, सकता है कि कुछ अच्छे नतीजे निकल जाएं। अच्छे नतीजे निकलें, यही मेरी कामना है।

MR. CHAIRMAN: Before I call the next Member to speak, I may state that the general discussion will have to be over before six O'Clock. The Minister will reply tomorrow morning. There are quite a number of speakers in the list before me. If everybody will make adjustment, all the members can be accommodated. Each member may take five minutes. You may kindly co-operate with me and I shall try to accommodate every one.

श्री शिरजीब झा (सहरेसा) : सभापति महोदय, मैं हम बिल का समर्थन करने के लिए खड़ा हुआ हूँ। अभी पूर्व वक्ताओं ने कुछ संकाएं व्यक्त की हैं। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि इस विधेयक को बहुत दिनों से हम लोग और देश प्रतीक्षा कर रहा था और लोग इसके बारे में चर्चा कर रहे थे और इस विर-प्रतीक्षित विधेयक को आज उन्होंने जो सदन के सामने पेश किया है, इसके लिए मैं मंत्री महोदय को धन्यवाद देता हूँ।

मैं कहूंगा कि दरभंगस में यह विधेयक समाजवाद की ओर बढ़ने का एक और कदम है। अगर हम इस बिल के प्राकृष को देखें और केवल संकाओं में न उत्पन्न रहें तो हम पाएंगे कि यह एक ठोस कदम है समाजवादी व्यवस्था की ओर बढ़ने का। आपने देखा है कि बीस सौ कार्यकर्म के अन्तर्गत हमने मजदूरों की न्यूनतम मजदूरी निर्धारित की है। कल हमने महुरी सम्पत्ति की सीमा निर्धारित करने वाला बिल पास किया था, समाज केतन दिए जाने सम्बन्धी बिल भी हम पास कर चुके हैं, संयुक्त मजदूरी बिल का अन्त की प्रक्रिया जा चुका है। अज-बोनस

अधिक विधेयक को लागू करना है वह भी इसी काम से एक कड़ी है। राज्य तथा में एक विधेयक कारित किया गया है जिसमें अवरन छंटनी और साक्षात्कारी के ऊपर रोक लगाई गई है। मजदूरों के प्रति सरकार का क्या रवैया है, क्या सब है यह सब सरकार की जो कार्यवाहियाँ हैं उन्हीं से प्रतिबलित हो जाती है।

हमारे मजदूर आर्थिक व्यवस्था की रीढ़ हैं, इस में कोई दो राय नहीं है। यह बात भी सत्य है कि उनका बहुत खोपन हुआ है। आज सरकार इस खोपन का अन्त करने के लिये दृढ़ प्रतिबल है। उनके खोपन का निश्चित रूप से अन्त किया जाएगा और जो कुछ भी संकाएं व्यक्त की जा रही हैं मैं समझता हूँ कि मंत्री महोदय उन के ऊपर ध्यान देने ताकि हमारे मजदूर वर्ग के ऊपर किसी तरह की विपत्ति न आए, संकट न आए और उनके जो उचित अधिकार हैं वे उनको मिलें, उन से वे वंचित न रहें। मैं धारा करता हूँ कि इसकी व्यवस्था सरकार करेगी, मजदूरों की पसीने की कमाई का उचित लाभ उन्हें अवश्य मिलेगा।

समाप्ति महोदय, मैं समझता हूँ कि इस विधेयक से मजदूरों को प्रेरणा मिलेगी उत्पादन बढ़ाने और साक्षात् अधिकार करने की। अगर हम उत्पादन नहीं बढ़ाते हैं और साक्षात् अधिकार नहीं करते हैं तो फिर किसी को भी लाभ नहीं होगा। न देश ही उत्पादन नहीं बन सकेगा और न कारखानेदारों को लाभ होगा और न ही मजदूरों को लाभ मिलेगा। इसलिए इस विधेयक से उनको प्रेरणा मिलेगी वे अधिक उत्पादन और साक्षात् अधिकार करेंगे। अगर हम सोच जो मजदूरों के बीच काम करते हैं मजदूरों को उचित रूप में समझाने की कोशिश करें तो इस कार्य से उनको निश्चित प्रेरणा मिलेगी और वे समझ से उत्पादन अधिक बढ़ाएंगे और

अधिक साक्षात् अधिकार करेंगे जिससे उनको भी लाभ होगा और देश को भी लाभ होगा। इस विधेयक को अगर हम इस रूप में देखें कि कारखाने में हमारे मजदूरों की आजीवारी और साक्षेदारी की यह प्रारम्भिक व्यवस्था है, यह प्रारम्भिक विधेयक है, तो यह अच्छी बात होगी।

मैं मंत्री महोदय से निवेदन करता हूँ कि चाहे वह इस तरह की व्यवस्था करे, एक इस तरह का विधेयक लाय, जिसमें मजदूरों की साक्षेदारी और उनके हित यहां बने रहें और मजदूर यह समझें कि दरमसल में हम आजीवारी हैं और उस रूप में वे काम को जाने बढ़ाएँ और उससे लाभ अर्जित करें। मजदूर वेतावस्त हैं और वह किसी से पीछे नहीं हैं। सब मजदूरों ने अनेक बार अपनी बकायारी देश के प्रति दिखा दी है। इसलिये मजदूरों का हक न मारा जाये, यह देखना मानवीय सदस्यों का कार्य है, सरकार का कार्य है।

मैं मंत्री महोदय से आग्रह करता हूँ कि वह मजदूरों के हितों की रक्षा के लिये सदा तैयार रहेंगे, और ऐसी नीति नहीं होंगे देंगे जिससे उनके हक पर किसी तरह की बाधा आये। मैं इन मन्त्रों के साथ इस विधेयक का समर्थन करता हूँ।

SHRIMATI ROZA DESHPANDE
 (Bombay Central): I fully endorse the feelings expressed by Comrade Indrajit Gupta and Shri S. M. Banerjee. I oppose the Bill and support the Resolution of Disapproval moved by Mr. Indrajit Gupta. The idea behind bringing in of this bonus ordinance and the compulsory deposit scheme (and such other measures which are basically anti-working class and which have proved to be anti-working class) is this, that there should be more capital formation, more production and more development. With this idea these things were brought in. There was a huge cry made all round

[Shrimati Roza Deshpande]

the country saying that due to the rising DA and wages inflation has come about and to curb inflation, this Compulsory Deposit Scheme was brought in. That was the first blow to the working class. But what happened? With this Compulsory Deposit and with this Bonus Ordinance, what do we find today? Where is the money being hoarded? Was it in the pockets of the working class or monopoly houses where you found Rs. 15,000 crores? It is hoarded in the houses of capitalists and the monopoly sector. You thought that inflation could be curtailed in this manner. With this idea you brought this. But what happened after this Compulsory Deposit Scheme etc.? After these were clamped, those people who had some connection with the Government said that they would issue Bonus Shares.

With these bonus shares there are other shares too and they are changed into bonus shares because they could draw more dividends. Will you tell us what amounts of reserves are transferred to these bonus shares? Under the compulsory deposit scheme did the money they got go to your Treasury? What happened to it?—raised the dividend rate and you know how the bonus shares were transferred. The Finance Ministry all along spoke about the difficulty of the capitalist classes and they gave them the company's development rebate whose accumulation by the end of 1973-74 stood at more than Rs. 2,000 crores of which Rs. 67 crores represented as non-taxable transfer from year to year. Sir, I am giving all this because I want to show where the money has gone. The money is not in our pockets inflation does not come out of this. The money is somewhere else. I do not know whether you can get hold of this money. There is another part. In the balance sheet, in the running of an industry, there is inventory. Can you imagine how much of money is locked up in this inventory?

M R. CHAIRMAN : Madam, the time-limit applies to the lady member as well.

SHRIMATI ROZA DESHPANDE : I shall stick to only two points. I want one minute only. I want to quote the editorial of the *Economic Times*. It says on Inventory Savings :

"The recent reports of a slow-down in industrial output are less distressing than the indication that resources are locked up in inventory pile-up."

"Inventory component of capital formation rose by 27.6 per cent during 1974-75 as compared to 13.3 per cent in 1973-74. In absolute terms accretion to inventories in 1974-75 was at Rs. 1138 crores twice as high as in 1973-74—Rs. 540 crores—. This is a place where black money is locked up. Is there any way out? Has the Government found a way out to bring out this money and put it into circulation and into productive use and capital investment? Even Shri Pranab Kumar Mukherjee the other day in the Rajya Sabha had to say this that the monopoly group had created a havoc inside the country by increasing black money, by taking out the money out of the circulation by various ways. In addition to this, Government gives them subsidy to export. On that score also some time ago, the textile industry wanted more subsidies for imports. In this way, I am sure that you are not going to increase the production or increase the capital investment from the capitalists. At the same time, you are also not going to get any cooperation from the working class. It is the working class who stood by you during emergency and against the so called total revolution by J.P. Government is antagonising this working class. Somebody said that in the socialist country, those losing concerns do not pay any bonus. I ask them: in this socialist country, is there landlordism? in this socialist country are there blackmarketeers and tax-evaders. First establish socialism and then talk these things. I feel that this Bill is ab-

solutely inopportune: Sir, on the 6th of January, thousands of people sat on hunger strike. We are sure that the working class are not going to take this blow lying down. It is going to unite and it is going to fight you through the democratic methods. I assure you about this. I wish that at least at this stage, the Government should re-think and withdraw this Bill.

श्री नाथू राम मिर्धा (नागौर) : सभा-पति महोदय, मैं इस कानून का समर्थन करने के लिए खड़ा हुआ हूँ। जब से इस कानून पर चर्चा शुरू हुई तब से मैं इस सदन में जितने भी भाषण हुए उन को लगातार सुनता रहा हूँ और खास तौर से जो प्रस्ताव इस कानून के खिलाफ श्री इंद्रजीत गुप्ता ने पेश किया है उन के भाषण को तथा उन के साथियों के भाषण को मैं ने बहुत ध्यान से सुना। इधर से भी हमारे बहुत से ट्रेड यूनियन में काम करने वाले साथी जो थे उन्होंने अपने अपने विचार इस कानून के बारे में रखे।

मैं आप से निवेदन करना चाहता हूँ कि इस कानून को लाने की क्या भूमिका रही है उस के बारे में हम को कुछ सोचना पड़ेगा और देश के बदलते हुए हालात में सोचना पड़ेगा। मुझे दुख होता है इस बात को कहते हुए किट्रेड यूनियन में काम करने वाले नेता जो इस सदन में काफी बड़ी तादाद में हैं, इधर भी बैठे हैं, और उधर भी बैठे हैं, उन के दृष्टिकोण और नजरिए को इस देश की करोड़ों जनता के बारे में आबादी की दृष्टि से देखें और आज की जो सारी अर्थ-व्यवस्था है उसके हिसाब से देखें तो उन का नजरिया बड़ा संकीर्ण मालूम पड़ता है। इस देश में 58 करोड़ आज हमारी जनसंख्या है। लेबर के रूप में काम करने वालों की कुल संख्या का अगर हम हिसाब लगाए तो कारखानों और बड़े

बड़े क्षेत्रों से काम करने वालों की संख्या 1 करोड़ से ज्यादा नहीं है। सारे मजदूरों को लें जो छोटे मोटे सारे ही उद्योगों में काम करते हैं तो कुल मिला कर 2 करोड़ से ज्यादा नहीं है। 2 करोड़ लोग और उन के प्रतिनिधि जो इस सदन में काफी बड़ी तादाद में हैं जब कोई लेबर का प्रश्न आता है तो उस को एक बड़े ही संकीर्ण नजरिए से, संकीर्ण दृष्टि से इस देश के सारे वातावरण और भूमिका में देखते हैं। वह कहते हैं कि मजदूरों ने जयप्रकाश नारायण का आन्दोलन हुआ तो बड़ी मजबूती से साथ दिया। मैं सोचता हूँ कि देश के ग्राम लोगों ने जो एक बहुत गलत आन्दोलन था, गलत तरीका था उसका साथ नहीं दिया, उस को समर्थन बहुत कम लोगों ने दिया। ज्यादातर देश के ग्राम लोगों ने और मैं सोचता हूँ कि गांवों के करोड़ों किसानों ने सही माने में उस का विरोध किया। अब वह किया, कर्तव्य समझ कर दिया, अच्छा समझ कर किया। पर देश के अंदर जो हालात खड़े हुए, पिछले पांच छः वर्षों में स्ट्राइक वगैरह जो हुए, उस समय जो स्थिति चल रही थी उस में हमारे ट्रेड यूनियन के साथी किस तरह का रोल प्ले कर रहे थे एक होड़ सी लग रही थी कि हमारी तनख्वाह बढ़ाई जाय, हम कारखाने में जाएंगे मशीन पर खड़े रहेंगे काम नहीं करेंगे, पैदावार नहीं बढ़ेगी, मगर तनख्वाह मांगेंगे, दोनस लेंगे, इन बातों की एक होड़ सी लग रही थी, यूनियन पर यूनियन बढ़ते जा रहे थे....

श्री इंद्रजीत गुप्त : घेराव भूल गए?

श्री नाथूराम मिर्धा : घेराव भी करते थे। मुझे सब याद है। सब बोलने की जरूरत नहीं है, केवल इशारा ही कसंगा। सब बोलूंगा तो आप ज्यादा नाराज हो जाएंगे।

तो जो एक वातावरण पिछले पांच छः वर्षों में देश में चल रहा था, खास तौर

[जी वायू राम शिर्मा]

से जब से यह चुनाव हुआ एक तरह की होश सी लग रही थी मजदूरों के लिए, वैसे मजदूरों के लिए ही सारा देश है। मैं मजदूरों का कभी विरोधी नहीं हूँ मैं मजदूरों का सवर्धक हूँ। भादमी जब हाथ में पाड़ा लेता है तो किसान बन जाता है और जब हथौड़ा हाथ में लेता है तो मजदूर बन जाता है। इसलिए मुझे कोई उन से विरोध नहीं है। पर हमारे मजदूरों और ट्रेड यूनियनों में काम करने वाले नेताओं का दृष्टिकोण जिस तरीके का रहा और जिस तरीके से उन्होंने बल बल पर अपना जोर डाल कर कई ऐसी बातें जो इस देश की अर्थ-व्यवस्था की मुकताम देने वाली थीं, उन को मजबाब और सरकार ने भी माना उन की बातों को, वह स्थिति मैं सामने लाना चाहता था। अब जब एक एम्प्लोयी देश के अन्दर हालात ऐसे बनने से बोधित हुई और जब यह सोचा गया कि इस तरह के डिस्टाबल देश की अर्थ-व्यवस्था को बिगाड़ रहे हैं, उन को ठीक करने की आवश्यकता है, तो उन को ठीक करने के लिए कदम उठाया गया। हमारे देश की प्रधान मंत्री ने, इस सरकार ने और हमारे मंत्री भी रजु नाथ देही जी कोई इन्डिजिट गुप्त से कम मजदूरों के हितचिन्तक नहीं हैं, वह भी इसी सरकार में बैठे हुए हैं, सब ने मिल कर बल और सारे हालात का तकाबा लेकर एक फैसला किया। कारखाना बाढ़े बाटा करे वा नफा करे 8 परसेंट तो देना ही पड़ेगा वह जैसा प्रधान मंत्री जी ने कहा और बिलेंडुल ठीक ही कहा, दुनिया में कहीं नहीं है। बाकी सारी बातें दुनिया की जो हैं उन के साथ कम्पेयर नहीं किया जा सकता। पर दुनिया में कहीं बाटा देने वाले कारखानों में कोनसा देने की व्यवस्था नहीं है। मैं समझता हूँ इस में सच्चाई तो है और अगर सच्चाई

के अन्दर इस कानून में जो कुछ नफसियां थीं उन को एक एम्प्लोयी के बल में जब कि बहुत सी बलतियों का कनेक्शन किया गया तो इनका भी कनेक्शन किया है तो मैं समझता हूँ यह देश के आम लोगों के हित में है। यह देश की अर्थ-व्यवस्था के हित में है। आपका एक मुक्ते मजूर है, आप यह मानकर चलते हैं कि मजदूर और मजदूरों में काम करने वाले लोग ही ईमानदार हैं, दूसरे ईमानदार नहीं हैं। आप सोचने हैं सभी मानिक बलत बिलेंसरीट बनाते हैं, सारे ऊपटे काम करते हैं, मजदूरों की कमर तोड़ने में लगे हुए हैं—आपका यह दृष्टिकोण गलत है। मैं मानता हूँ कुछ लोग गड़बड़ी करते हैं लेकिन सारे पूंजीपति ऐसा ही करते हैं, वह बात सही नहीं है। हमने इस देश में निक्स्ट एकोनामी को माना है। हमने पब्लिक सेक्टर, प्राइवेट सेक्टर, छोटे इंडिविजुअल सेक्टर को माना है। हमारी इस व्यवस्था के अन्तर्गत आप नाराज होते हैं कि अमरीका का एक व्यापारी यहां पर बात करने के लिए क्यों आ गया, हमारी सावरेन्टी बिलेंज हो रही है। इस देश के दरवाजे खुले हुए हैं। यहां पर सिर्फ एक ही तरह के लोग आये। कुछ एक देश के लोग ही आये, दूसरे लोग नहीं आये—यहां पर इस तरह की कोई पाबन्दी नहीं है इस देश के हित के लिए हमें कई देशों से कई तरह की बातें लेनी हैं, कई तरह का ज्ञान प्राप्त करना है, कई देशों से रिजोर्सेज लेने हैं। दूसरे देशों की कई तरह की अर्थ-व्यवस्थाओं से हमें सबब की आवश्यकता है और उसमें अमरीका भी आता है। अगर हम उसको ठीक समझते हैं तो आपकी नाराज नहीं होना चाहिए। इस देश की सरकार और हमारे मंत्री जी मुँह नहीं हैं। आप कहते हैं मजदूरों का पैसा ले लेंगे तो फिर वह पूंजीपतियों के

वास ही रह जायेगा। मैं समझता हूँ आप को इतना तो सोचना चाहिए अगर कुछ सरप्लस रहता है, वह इन्वीस्टमेंट डिस्ट्रीब्यूट नहीं किया जाता है उसको इन्वेस्ट करके दूसरे तमाम लोग जो बेकार बैठे हैं, उनके लिए व्यवस्था की जाये तो कोई एतराज नहीं होना चाहिए। आपका यह कहना कि मजदूरों का पैसा लिया जा रहा है और पूँजीपतियों को दिया जा रहा है—मैं समझता हूँ इस तरह का मूर्खतापूर्ण रवैया यह सरकार नहीं अपना सकती है।

श्री इन्द्रजीत गुप्त : किसने कहा सरकार मूर्ख है, सरकार बहुत चालाक है।

श्री नाथू राम मिर्चा : मैं समझता हूँ सरकार चालाक नहीं है, वह तो रियलिस्ट बनकर काम चलाना चाहती है। वह रियलिस्ट बन चुकी है, आगे और ज्यादा बनेगी। आज हम देश के शहरो और देहातों में इतनी बेकारी है और इस सेक्टर में जो इन्वेस्टमेंट है वह बड़ा हेवी होता है, जब इंडस्ट्रियल सेक्टर में दस-पाच हजार का इन्वेस्टमेंट होता है तब कहीं एक आदमी को काम मिलता है। अगर सरप्लस जेनरेट करके, ठीक ढंग से मोबिलाइज करके सही जगह पर इन्वेस्टमेंट किया जाये तो दूसरे तमाम लोगों को एम्प्लायमेंट दिया जा सकता है। इसलिये सारे हालात, सारी परिस्थितियों को आपको देखना चाहिए। इस बिल में अच्छे प्वाइन्ट भी हैं जिनके बारे में मंत्री जी ने कहा है, दूसरे लोगों ने भी कहा है, मैं उनको रिपोर्ट नहीं करना चाहता। आपको भी एक रोजनेबिल दृष्टिकोण से सोचना चाहिए। मजदूरों का और सारे देश का क्या करके आपको बाइली सोचना चाहिए। केवल संकीर्ण दृष्टिकोण से ही नहीं देखना चाहिए। इस देश में 99 प्रतिशत और लोग हैं जोकि

आज गरीबी में मर रहे हैं। आज जिसतरह की उनकी हालत है उनके लिए भी आपको कुछ सोचना चाहिए। यह सही है उनसे आप बोट लेकर आते हैं, उनको आप राजी रखने की कोशिश भी करते हैं लेकिन उसकी भी कोई सीमा होनी चाहिए। मेरा निवेदन है इस कानून को उसी दृष्टिकोण से देखना चाहिये आज यहाँ पर कोई दूसरे देश का आ जाये तो आप समझे हमारी साबरेन्टी चैलेंज हो रही है यह आपकी ज्यादाती होगी। आप जानी है, आपका और आपकी पार्टी का नजरिया ऐसा नहीं होना चाहिए कि आपकी मंशा के मुताबिक न हो तो सरकार बहुत खराब नहीं तो इन्दिरा जी की जय—यह बात ठीक नहीं है। मैं आप से निवेदन करना चाहता हूँ कि जरा गहराई से आप इस पर विचार करें। जो इस देश का नजरिया होना चाहिये वह मैंने कहा है, और मुझे आशा है कि मेरी बातों में जो भावना छिपी है उस पर आप विचार करेंगे।

श्री मूल चन्द डाया (पाली) : सभापति जी, मैं एक बात कहना चाहता हूँ :

"The National Labour Commission headed by no less a person than a former Chief Justice of India, Shri Gajendragadkar had said that the wages are not sufficient. Though productivity has risen substantially yet wages have lagged far behind." And he said further:

"The gap between the actual wages and the living wages is very wide."

This is the fact given in an article in "The Indian Worker".

हमारे मिर्चा साहब ने बहुत बड़ी बात कही है। आज भी भारत में हजारों कम्पनियाँ हैं। उन के जो मालिक हैं उन की हालत कैसी है, और जो उन में मजदूर काम करते

[श्री मूलचन्ध डावा]

हैं उन की हालत कैसी है, यह आप देखें। एक ही जगह काम करने वाले लोग जो कम्पनी के मालिक हैं और जो वहाँ मजदूर हैं उन में कितनी विषमता बढ़ी है। यह बहुत बड़ा सबाल है। जहाँ विषमता होगी वहाँ असंतोष होगा। आप ने जो सिद्धान्त रखा है, भावसे रखा है उस के बारे में कुछ नहीं कहना है, लेकिन काम करने वाले जो लोग हैं, उन कम्पनियों में जो पड़े लिखे लोग हैं जैसे इकोनामिक एडवाइजर्स, एडवोकेट और बैरिस्टर, यह मजदूरों की हिमायत करने वाले नहीं हैं। जब तक हमारा पार्टिसिपेशन न हो जाय मैनेजमेंट में, कैपिटल पर हमारा अधिकार न हो जाय तब तक कुछ नहीं हो सकता है। पब्लिक सेक्टर में ज्यादा पैसा मनेजमेंट पर खर्चा होता है। लेबर को तो लिविंग बेज मिलनी चाहिए। इसलिये मैं कहता हूँ कि जितनी कम्पनियाँ हैं और जो कारखाने हैं उन में हमारा पार्टिसिपेशन जरूर होना चाहिये। उन का खर्चा कम हो, विषमता दूर हो और अकाउन्टन को जीवने का तरीका हो तब तो कुछ हो सकता है, अन्यथा इस की भाड़ में मजदूरों को और कम न मिल जाय और इस का लाभ मिल मालिक न उठा लें, इस बात का पूरा धक है। हम को सारे देश की बात सोच कर के काम करना चाहिये, और सिद्धान्त की लागू करने से पहले हमें पूरी मशीनरी तैयार करनी चाहिये और हमें अकाउन्ट्स देखने चाहिये, पूँजी पर हमारा हाथ हो तब तो कुछ लाभ हो सकता है, अन्यथा इस का लाभ पैसे वाले ले जायेंगे, यह खतरा है।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, if the Government's intentions about labour in general and labour legislation in particular were honest, I would have perhaps looked at this measure from a different angle. But my whole point at the outset

is that Government have not really looked at the problem either from the point of view of the health of the economy or from the point of view of the rights of labour. My friend, Mr. Indrajit Gupta, made a very able plea for sticking to the whole formula and the Minister in his written reply could not really rebutt the arguments so well advanced by Shri Indrajit Gupta, Sir, some of the Congress friends, whom I heard with the greatest respect and attention, are so concerned about the larger problems of the economy and Mr. Mirdha has rightly pointed out about the vast unorganised sectors in our country, then why did they support the provisions of the earlier enactment about the payment of Bonus? I did not bear any voice at that time from the Congress benches saying that the 8 33% formula was immoral, un-gandhian, improper etc. I can understand a consistent adherence to certain well-laid down principles but if you accept something because it suits you a particular point of time and later on when it does not suit you because the times have changed, you change the policy and then to advance arguments now by quoting Mahatma Gandhi. I cannot understand it. I have great respect not only for Shri Ramsingh Bhai and Shri Sathe but for other trade unionists friends also, because though I do not myself belong to a trade union, I come from Ahmedabad, which is predominantly a textile city where not only workers but others also live because of the industry. I am not looking at the problem, as Mirdhaji was saying, from the narrow point of view of a trade unionist who wants to grab more for his workers and to get popularity and catch votes. I only ask, if we have accepted the idea of bonus as something good over a period of many years, how is it that suddenly it is looked at from a different angle and it is being said that it should be linked with profit, production and productivity?

This is a peculiar and pernicious measure. Government has acted cleverly, and if I may be permitted to say so, cunningly.

Can they honestly say that they are really doing it because in this very Act they see the larger interests of the nation and of the labour? Of course, if you say, it was expedient to give 8.33% some years ago and now it is expedient not to give it, I have nothing to say. But if you base your arguments on certain sound principles of doing justice to labour, to the economy and to the interest of the whole nation. I cannot believe my congress friends if they say that this new measure is pragmatic, good, etc. This is a Bill which is basically anti-labour. I do not say so because it does not give a certain amount of bonus. That is comparatively a small thing. But the attitude of the Governments both at the State and Centre, over the last 28 years has been by and large in favour of the employers rather than the employees. Although they talk loudly at the time of elections and say certain things at labour meetings to get their votes, when it comes to putting them into practice, labour is not getting a share in industrial democracy. As Mr. Sathe said, labour must be given a chance to participate in industry. Can the Minister of Labour say how many schemes are there in terms of profit sharing and participation in management and involvement in industrial democracy? I come from Ahmedabad, and I know that the reaction of the workers today is very bitter, strong and hostile. Shri Ramsingh Bhai spoke about the "Majur Mahajan". The "Majur Mahajan" has been saying, "Don't punish us for giving more production," "And don't deny us the rights which are there".

I would like to conclude by saying that please do not take a mere expedient view of the matter. The Minister and the Prime Minister say and ask: "Where in the world do you see bonus for the sake of bonus?" But, comparisons can be and are odious. Moreover, is it honest to compare when it suits, and ignore when it embarrasses?

The impact of this Bill is going to be very adverse. Already, in Ahmedabad, four mills out of 65 textile mills gave bonus of more than 4 per cent and the rest of the employees were paid only four per cent as minimum bonus. This was for the accounting year 1974, that the employees of 61 mills in Ahmedabad were paid minimum bonus. Now, although the mills had made almost the same profits or more or less in the accounting year 1975 as that of 1974, yet the workers of these mills will not get any bonus whatsoever. The Arvind and Calico Mills and others in Ahmedabad will not give any bonus because under the new formula, even if they had earned a profit of Rs. 50 lakhs, they don't have to give to bonus.

I want to make an appeal to the Minister, and ask him why do not you have atleast a general review of the impact of the Bonus Act on the economy? I suggest, let some experts have a considered and studied view and find out whether it has any adverse effect on the economy. And, if it does not, then do not slash the bonus.

MR. CHAIRMAN: There are two or three names in the list before me. If the House sits beyond 6 O'clock for 15 minutes, the list will be over. So, we will sit upto 6.15 p.m.

श्री शिखाराम सिंह (मुंबई) : सभापति जी बोनस एमेंडमेंट बिल के द्वारा यह प्रस्तावना किया जा रहा है कि अधिक बर्ग को किस प्रकार से बोनस दिया जाए, उसका फार्मूला क्या हो। हमारे श्री इंद्रजीत गुप्त जी ने बड़े धमकी भरे और ताड़ना भरे शब्दों में अपनी बात कही है। उन्होंने कहा कि यदि इसको लागू कर दिया गया तो इसके काफी बुरे परिणाम होंगे। उन्होंने इस बात को भी सामने रखा कि इस एमरजेंसी के समय श्री जयप्रकाश जी के आन्दोलन के समय बकिंग क्लास ने सही दिशा अपनाई थी और सरकार के कदमों का समर्थन किया। मैं मानता हूँ कि बकिंग क्लास में भी काफी

[जी विवेचनाय सिद्ध]

बड़ा संशयान ऐसा है जो सही विद्या में चलता है और सही बात को करता है। उसने जयप्रकाश के आन्दोलन का विरोध किया था और सरकार की नीतियों का समर्थन किया था। लेकिन उसको यह भी नहीं भूलना चाहिये कि बकिंग क्लास में भी ऐसे लोग हैं जो देश के साथ गहरी करते हैं, उत्पादन को गिराते हैं। इसके उदाहरण भी हमारे सामने हैं और वे हैं रेलवे की स्ट्राइक, एस आई सी की स्ट्राइक, बैंकों की स्ट्राइक, इंडस्ट्रीज में स्ट्राइक। देश के उत्पादन में भी उन्होंने बाधा पहुंचाई है। एमरजेंसी के समय में भी उन्होंने एक ऐसा संकशन बकिंग क्लास में है जो छिपे छिपे ही सही इसका विरोध कर रहा है। मैं यह मान कर नहीं चल सकता हूँ कि तमाम बकिंग क्लास अच्छी है लेकिन मैं समझता हूँ कि कुल मिला कर प्रविकास हिस्सा बकिंग क्लास का अच्छा है, वह सरकार की नीतियों का समर्थन करता है, देश के लिए सोचता है। लेकिन है कितना यह? अभी आपने कहा कि इन बातों में उसने सरकार का समर्थन किया है लेकिन उसकी विनती कितनी है? 40-50 लाख हो सकती है। क्या उसी संकशन ने समर्थन किया है और सरकार को टिकाए रखा है? मैं एक रेनिस्तानी इलाके से आता हूँ। हमारे यहां एक छोटी सी चिड़िया होती है जिस को क्या कहते हैं वह रात को उपर उड़ करके सोती है इस बास्ते कि कहीं आसमान न गिर पड़े। वह समझती है कि उसने आसमान को आपने पैरों पर रोका हुआ है। हमारे देश में भी जयप्रकाश जी के आन्दोलन को जिन्होंने बढ़ावा दिया और गड़बड़ पैदा करने की कोशिश की उन लोगों को भी यह गुनाहता था कि देश उनके पीछे है और हम ही देश को आगे ले जा सकते हैं और हमारा कदम ही सही कदम है। लेकिन यह जो उनकी धारणा थी वह निर्मूल

सिद्ध हुई। यहाँ भी यह धारणा है कि बकिंग क्लास ही देश को आगे बढ़ा रही है, वही देश को टिकाए हुए है, इसको हमें दूर करना होगा। फिर आप यह भी देखें कि बकिंग क्लास में यह आर्गेनाइज्ड सेंक्टर में है। हमारे वनजों साहब ने कहा कि डिफेंस प्रोडक्शन एम्प्लायीज को बोनस मिलना चाहिये जहां सेट परसेंट प्राफिट होता है। मैं कहना चाहता हूँ कि जो एयरक्राफ्ट कमरों में बैठ कर काम करते हैं उनको तो बोनस मिले लेकिन जो देश की सोमाया परबहरी खड़े हैं, सर्दी, वर्षा गर्मी में हमारे देश की रक्षा कर रहे हैं, उनको बोनस नहीं मिलना चाहिये?

हमारे किसान जो खेतों में रात-दिन काम कर रहे हैं, उनको बोनस नहीं मिल रहा है, इसलिये हम बोनस के तरीके के बारे में हमें सोचना पड़ेगा और इसे उत्पादन के साथ लाना पड़ेगा। जो फामूला तय किया गया है, उसके बारे में मैं यह कहना चाहता हूँ कि इस बोनस को उत्पादन से जोड़ना चाहिये। प्राफिट का किस तरह से मैन्युपुलेशन होता है, किस तरह से उसमें खर्च लाये जाते हैं, प्राइमिंग पालिसी क्या है, यह सब देखना चाहिये।

एक फीक्टेरी का यूनिट अपना उत्पादन अपने हिसाब से करता है, प्राइस उसके हिसाब से फिक्स करता है। जब तक हमारी प्राइसिंग पालिसी सही नहीं होगी, तब तक एक यूनिट तो 100 परसेंट दिखाता है और दूसरा यूनिट 5 परसेंट भी नहीं दिखायेगा, इसलिये प्राइसिंग पालिसी ठीक होनी चाहिये। जब प्राइसिंग पालिसी के आधार पर होगा, उसको हम सही मानेंगे। जब तक हम उत्पादन के साथ बोनस को लिंक नहीं करेंगे, प्राफिट के साथ लिंक करने की बात सही नहीं बैठती है।

इससे डिस्टर्बेन पैदा होंगे। इसलिये प्राइवेट पालिसी ठीक होनी चाहिये।

कुछ सेंटर ऐसे हैं, जिनकी मोनोपली है, वह चाहें जितनी प्राइस कर सकते हैं। उसी के आधार पर वहां का उत्पादक श्रमिक कहेगा कि मुनाफे के हिसाब से हमको बोनस मिले तो वह बात सही नहीं बैठेगी। इसलिये प्राइवेट पालिसी को हमें ठीक देखना पड़ेगा।

इस विस में एक बात बात की धोर धकित किया गया है कि जब तक देश का उत्पादन नहीं बढ़ेगा, बोनस नहीं मिलना चाहिये। लेकिन इसमें आपने कैपिटलिस्ट के प्राफिट पर रोक नहीं लगाई है। आपने कहा है कि प्रोडक्टिव परपज में वह पैसा दूसरी इंडस्ट्रीज में लगेगा लेकिन इसमें प्रावधान कहा है?

वहां तक डिविडेंड का सम्बन्ध है, वह धोरिजनल कैपिटल पर डिक्लेयर किया जाना चाहिए। प्राइवेट सेंटर में बोनस शेयर के द्वारा भी प्राफिट होता है। जितना भी प्राफिट प्राइवेट सेंटर कमाता है, उसका शेंट पर्सन्टेज है, जितना कि मजदूर को बेजब रिये जाते हैं, उसी रेजियो से उसको प्राफिट लेना चाहिए।

घरर बाकी का प्राफिट दोबारा इंडस्ट्री में इन्वेस्ट हो, तब तो बोनस के लिए यह व्यवस्था करने का परपज होगा, बरना इसका मतलब यह होगा कि सरकार बर्केस में बोनस को हटा कर इंडस्ट्रियलिस्ट्स को प्राफिट देना चाहती है, जो कि सही नहीं होगा।

इसलिए इस सीमित समय में मैं इतना निवेदन करना चाहता हूं कि यह सही दिशा में सही कदम है लेकिन जिस प्रकार का सही कदम होना चाहिए, उतना वह किस

सही नहीं है और जब तक प्राइवेट पालिसी नहीं होगी, खर्चा उसमें क्या जोड़ा जाये, क्या प्राफिट हो, किस तरह से इन्वेस्ट किया जायेगा, इस पर आपका कंट्रोल नहीं होगा, तब तक इस प्रॉब्लेमे मेजर से कोई बहुत बड़ी सफलता आपको मिलने वाली नहीं है।

SHRI D. D. DESAI (Kaira) : Sir, I have been both an employee and an employer, labourer and an employer of labour. In a country like India which is poor in capital, it is unfortunate that we should go in for a controversial discussion. Here the primary responsibility (*Insurrections*)..

MR. CHAIRMAN : Is it the pleasure of the House that we sit for a few more minutes?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RA GHU RAMAIAH) : I have consulted the Opposition leaders. They have no objection.

SHRI D. D. DESAI : Our country is quite poor. Our emphasis should be on savings and investment; and the capital-hungry conditions have been continuing for the last 25 years. We have seen that a large number of countries like those which were defeated during the War have come to the top of the nations' list, whereas India continues to be at the bottom and something has been wrong. And it has to be examined. We had also suffered inflationary problems; with the result, the labour itself had difficulties in meeting its daily requirements. The galloping inflation had reached a figure of some where near 27% or so; and this problem was solved by the country in a very disciplined manner and we expect these things to be continued for some time.

18 hrs.

The unemployment position in the country is acute. My friends are aware that in spite of our best efforts, the registers of the employment exchanges all over the country are piling up. There is one-way traffic

[Shri D. D. Desai]

from the villages to the towns. In fact, the farmers are finding that their produce is not getting an economic price and, to that extent, the jobs in the cities are most attractive. The influx of people to the cities, if anything is an indication of the favourable climate in the cities.

While the labour is organised the farmers are not organised. The result is that the farmers are not getting a fair deal. Recently, we had the World Bank Report that Indian raw materials like cotton, jute and sugarcane are sold at a fraction of the international price whereas the finished goods are able to get a higher price. Though the machinery is the same, our productivity is one-fifth or one-sixth of that of eastern Asia. In fact, Taiwan, Hong Kong and Singapore have higher productivity than us.

The question of relating it to production is also not correct, because investment in equipment should have the maximum return. What we are doing today is increasing the equipment and having higher production. This does not really bring us to any worthwhile situation.

Coming to *per capita* income, if our friends from the labour side compute the *per capita* income in India, it will be about Rs. 800 and odd, which is composed of both the cities and rural areas. If you go into the break-down the *per capita* income, in the city will be about Rs. 2,000 and in the rural areas between Rs. 300 and 500. In other words we are now penalising the rural areas which really support us. I would say that even in our recent elections, all the cities have defeated us. While most of the members of the opposition have been from the cities, the Congress has won seats in the rural areas. This is in spite of the appeasement that we have made to the cities. Shri Mavalankar was speaking about the cities. The cities are nothing but labour centres. Take the case of J. P. All the backing that he got was from the cities, not from the

rural areas. In the rural areas he was defeated even in the Gujarat elections. Whereas we won in the rural areas, in the panchayat elections, we lost in the cities. This is our problem.

MR. CHAIRMAN : They will think you are punishing them.

SHRI D. D. DESAI : We are not punishing them. We are only saying that the rural areas are poor and they are being made further poorer. Today, in spite of our jute or cotton growers getting a small return, the mills are not competitive. The reason is the burden of the equipment. There is so much of idle capacity for the equipments that we are not competitive and the world over we are being priced out.

SHRI VASANT SATHE : Then, why don't you support the concept of minimum wage for agricultural labour? You should ensure that. You should move the Minister to get it done.

SHRI D. D. DESAI : Shri Sathe seems to think that we are not supporting the concept of minimum wage for agricultural labour. It is not a fact. Agricultural labour are supported by the farmers in the rural areas. Otherwise, how do they exist?

There has been talk about balance-sheets. If there is a fraudulent balance-sheet the penalty is jail. Therefore, it can be easily checked. And if any auditor certifies such a fraudulent balance-sheet, his certificate can be cancelled. Therefore, laws do exist for taking care of these things.

Regarding allocable surplus, I would say that it is calculated after providing for essentials of expenditure and nothing more.

SHRI VASANT SATHE : They are notional.

SHRI D. D. DESAI : They are not notional. There has been talk also about bonus shares being issued. Bonus shares represent nothing but the dividend that was denied. It is equivalent to the provident fund or

gratuity amount which people retain. The reason for such retention is obvious, because the income-tax on bonus shares is less than that on dividend. Therefore it is Government's intention that the money should remain with the industry for additional equipment to provide for jobs. It is a basic policy.

Shri Mavalankar made the point that the measures are in favour of the industrialists and industries. I would tell him that the incentives provided by other countries in the world, including communist countries, for the setting up and operation of industries are much more than here. The result is that there is already capital and technological flight.

I support the Bill.

डा० कैलास (बम्बई दक्षिण)

सभापति महोदय, मैं श्रम मंत्री द्वारा प्रस्तुत पेमेंट ऑफ बोनस ऐक्ट के संशोधन का समर्थन करने और श्री इन्द्रजीत गुप्ता के प्रस्ताव का विरोध करने के लिए खड़ा हुआ हूँ। श्री मावलंकर जी ने कहा कि कन्वीनिएंटली हम गांधी जी को कोट कर देते हैं या किसी व्यक्ति को कोट कर देते हैं। लेकिन उन्होंने भी कन्वीनिएंटली जो किया वह भूल गए कि 1972 में हमने 8.33 का फारमूला ऐक्सेप्ट किया था लेकिन उस के साथ मैं यह भी कहा था कि जो कम्पनी नुकसान में जाएगी उस को भी बोनस देता पड़ेगा। उस समय मावलंकर जी इस विषय पर चुपचाप रह गए, उस पर कोई टीका टिप्पणी नहीं की। क्या वे आज भी चाहते हैं कि नुकसान करने वाले कारखाने भी बोनस दें।

मैं इस बिल का समर्थन इसलिए भी कर रहा हूँ कि सन् 1947 में हमें स्वतंत्रता मिली लेकिन सन् 1971 से आर्थिक स्वतंत्रता, सामाजिक न्याय और कैसे एक व्यक्ति का स्वाभिमान बढ़े उस की ओर हमारा युद्ध शुरु हुआ है और उस नार्ते से जब लोक सभा

ने 1971 में इसलिये निर्णय लिया कि उस समय देश का वातावरण ऐसा था कि हमें मजदूरों की सहायता करके उनसे प्रोडक्शन बढ़ाने के लिए प्रोत्साहन दें। इसलिये हम ने यह कदम उठाया था। लेकिन आज हमें यह देखना है कि जब मजदूरों को ठीक ठाक मिल रहा है पर बेकारों की संख्या जो इतनी बढ़ती चली जा रही है, उन्हें भी हम कुछ दें। बहुत लोग ऐसे हैं जिन को हम कोई नौकरी नहीं दे पा रहे हैं, तो उन की सहायता करने के लिए यह आवश्यक हो जाता है कि जो आर्गेनाइज्ड लेबर है उस से थोड़ा त्याग और तपस्या की भावना से काम करने के लिए हम कहें। इस बिल में उन्हें भी कुछ मिले जिससे यह सहूलियत भी दी कि अब उन्हें 40 रुपये जो मिलते थे तो अब हम उन्हें 100 रुपये दिया करेंगे और इसका अलावा उस क्षेत्र को जो इस बोनस बिल में लिया गया है, जैसे बैंक, एल आइ सी नहीं आती थी, इत्यादि तो मैं ऐसा मानता हूँ कि आर्थिक उन्नति, सामाजिक न्याय और व्यक्ति के व्यक्तित्व को ऊँचा बढ़ाने के उद्देश्य से सरकार ने यह काम किया है और इस बोनस ऐक्ट के नाम से, इस के जरिए से इन दो तीन बातों को रखकर हम उन्हें भी काफी उन्नति के क्षेत्र की ओर ले जाना चाहते हैं। मैं बताना चाहता हूँ कि श्रम मंत्री जी को ध्यान रखना होगा जैसे जब आप भी, सभापति जी, बोल रहे थे तो आपने ठीक कहा था कि आज लेबर लीडर्स ऊपर बड़ी जिम्मेदारी का विषय आया है, उनको ठीक तरह से खड़े होने का समय आया है कि किस तरह से वे मालिकों के मुकाबले में खड़े हो सकते हैं। मालिकों ने कितनी इन्वेन्टरी रखी है, या फिजूलखर्ची तो नहीं कर रहे हैं—इन बातों पर श्रम नेता को पूरा ध्यान रखने के लिए बाध्य होना पड़ेगा तब ही मजदूरों का भला हो सकेगा। श्रमिक कारखानों के चलाने में पार्टीसिपेशन ऊपर से लेकर नीचे तक रहे तब ही इस बिल से लाभ होगा। वे देखें

[अ० श्रीमान]

कि कितना प्रोडक्शन होना चाहिए, कितनी इन्वेन्टरी रखनी चाहिए, क्या प्राइसिंग पालिसी हो और किस प्रकार निर्माण की वस्तुओं का वितरण किया जा रहा है। जब तक यह नहीं होगा तब तक मायब ओ फायबा इस बिल से सरकार सोच रही है, वह नहीं हो सकेगा। इसमें लिए एक ऐसा मॉड बनाया होना तथा जबतक कि मजदूर नेता इतने प्रबल न हो जायें कि एक्टिविटीज के साथ साथ मजदूरों को पार्टीसिपेशन के योग्य बना सकें। अब नेता राजनीति में पड़कर सिर्फ मजदूरों की तनकाह पर ध्यान न करें, हड़ताल न करवायें, बन्द की बातें न करने लग जायें। उसी प्रकार से मंत्रीजी ने कहा कि प्रोडक्शन बढ़े तो इस बोनस बिल के विस्लेषण में कहीं यह भी लिखा जाये धर्मात्ता यह भी कह देना चाहिये या राज्य सरकारों को केन्द्र हिदायत करे कि 11 से 19 तक मजदूरों को रखने वाले कारखानों को बोनस के लिए सतर्क रहें। उसके लिए उनको धाप कुछ माइडलाइन्स देवें ही उसमें यह भी जरूर कहें कि वह इस प्रकार की मशीनरी समय समय पर बदलें कि प्रोडक्शन बढ़े तथा ध्यान रखे कि जहां इन्फ्लेक्शन धाफ बुरस होता हो, जिसके लिए मानवीय सहायद देसाई जी ने कहा कि प्राइसिंग हैं लेकिन उनको मिल मालिक करीब लेवें हैं, छोड़ा दे सकते हैं और छोड़ा दे भी रहे हैं, तो उसके लिए लेबर लीडर्स को तैयार होना पड़ेगा या राज्य सरकार की मशीनरी इन्फ्लेक्शन धाफ बुरस को समाप्त करने के लिये कारगर कदम बढ़ाये।

इसी प्रकार मंत्री जी ने ठीक कहा कि बोनस बिल में ठीक कहा गया है कि कमाई का कुछ हिस्सा मिले, दूसरा मशीनों को ठीक करने के लिए रुपया रखें तथा कारखाने को बढ़ाने के लिए रुपया रखें जिससे ज्यादा मजदूरों को रख सकें—बेकारी के प्रश्न को हल

करने के लिए जो बात रखी गई है वह प्रोडक्शन को बढ़ाने के लिए जो रुपया रखा जायें उसके लिये केन्द्रीय सरकार क्या मशीनरी रखेंगे। इस प्रकार से जो रुपया रखा जा रहा है रखा जायेगा उसको खर्च करने के लिए हर वर्ष या दो तीन वर्ष की जो धर्मात्ता रखी जायेगी उसके सम्बन्ध में राज्य सरकारों को कुछ सूचना प्रेषण देनी चाहिये जिससे वह रुपया उस ही कार्य में खर्च किया जा सके।

इसी प्रकार से मेरी समझ में नहीं आता इसमें बीस परसेंट की लिमिट क्यों रखी गई है। हमें छूट दे देनी चाहिए कि जब कारखाने वाले ज्यादा कमा रहे हैं वह 30 या 40 परसेंट भी देना चाहें और लेबर लीडर्स के साथ उनका समझौता हो जाता है तो वह दे। अगर इसको धाप बिल में नहीं रखते तो थोड़ी सी कमी इस बिल में नजर आ रही है, जिस पर टीका टिप्पणी की जा रही है वह भी नहीं होती।

मंत्री जी ने अपने भाषण में इस बात का भी जिक्र किया है कि हमें एक्सपोर्ट को भी बढ़ावा देना है। प्रोडक्शन बढ़े, धाम जनता को जरूरी चीजें मिलने लगे लेकिन एक्सपोर्ट भी हो। इसलिए एक्सपोर्ट हाउसेज पर भी ध्यान रखना होगा कि हर वर्ष वे एक्सपोर्ट बढ़ा रहे हैं या नहीं। अगर वे एक्सपोर्ट नहीं बढ़ाते हैं तो उनपर कठोर कार्यवाही करनी होगी और वे बोनस बिल जो एक्ट बन रहा है वे उससे जुदा कसे रह सकते हैं। मैं माबलंकर जी से प्रार्थना करूंगा कि वह समझें हमने इस पार्लियामेंट में समय समय पर प्रमेन्डमेंट्स किए जिसमें धाप भी साफ थे। 8.33 के बजाये 10 परसेंट का प्रमेन्डमेंट भी था सकता है लेकिन तब जब इस ही देश की आर्थिक स्थिति इसकी अच्छी हो जाये। हमारी सरकार हमेशा ही प्रोडक्शन रही है। 10 या 20 परसेंट की स्थिति

185 Res. and Payment of MAGHA 14, 1897 (SAKA) Res. and Payment of 186 Bonus (Amdt.) Bill

जब भी धायेगी वह तुरन्त इस लिमिट को भी हटा देगी। उस समय जब 8.33 परसेंट की भाग की थी, दी गई वह किसी के हुक्म से वह माना गया था या एलेक्जान जीतने के लिये माना गया था, यह कहना मैं समझता हूँ भावलंकर जी जैसे प्राध्यापक के लिये शोभा नहीं देता।

क्या मैं उन से पूछूँ कि वह क्या पढ़ाते थे आज से 3 साल पहले और आज वे क्या पढ़ा रहे हैं। मैं इन से कहूँ 5 साल पहले जिस प्रकार पढ़ाते थे वही आज भी पढ़ाये तो उसका उत्तर यह ही होगा कि परिस्थिति तथा समय पर यह निर्भर करता है। इसी-लिये हम ने उस समय जो निर्णय लिया था वह आज गलत साबित हो रहा है। और उसे हमें ठीक करना चाहिये। हमें आर्थिक स्वतंत्रता गरीबों को देनी है, हमें उन बेकारों की तरफ भी देखना है और उस नाते हम ने अपने मजदूरों को किसी भी प्रकार का बिना नुकसान पहुंचाये तथा उन का पूरा हित देखते हुए एक बिल लाया गया है। सभापति जी मैं यह बताने का प्रयत्न कर रहा था कि जो कारखाना कुछ कमा रहा है वह बन्द न हो जाये और हमारा एक्सपोर्ट ज्यादा बढ़े इसलिये इस विधेयक को पेश किया गया है। मैं आशा करता हूँ कि वेन्द्र कुछ गाइडलाइन्स अवश्य स्टेट गवर्नमेंट्स को भेजेगे या इस

प्रकार की दी जायेगी जिस से की जो कुछ भी इस बिल की मंशा है वह पूरी हो सके क्योंकि इम्प्लीमेंटेशन स्टेट सरकार के द्वारा होने वाला है। उस में कहीं कमी न रह जाये इसलिये आवश्यक हो जाता है कि श्रम मंत्री जी इस पर ध्यान रखेंगे तथा आवश्यक निर्देश राज्य सरकारों को भिजवाने की कृपा करेंगे।

अन्त में मैं लेबर लीडर्स से, खास कर माननीय इन्द्रजीत गुप्त से प्रार्थना करता हूँ कि वे अपने प्रस्ताव को वापस ले, देश के हित में। मुझे आशा है कि वह अवश्य इस पर विचार करेंगे।

MR. CHAIRMAN : The hon. Minister.

The Minister of Labour (Shri Raghunatha Reddy) : Mr. Chairman Sir. I am extremely thankful to all the hon. Members who have taken part in the debate..

MR. CHAIRMAN : He may continue tomorrow.

The House stands adjourned till 11 A.M. tomorrow.

1.16h.

The Lok Sabha then adjourned till eleven of the Clock on Wednesday, February, 4, 1976/Magha 15, 1897(Saka)